FEDERAL REGISTER

VOLUME 24 NUMBER 144

Washington, Friday, July 24, 1959

Title 3—THE PRESIDENT

Proclamation 3304

FIRE PREVENTION WEEK, 1959

By the President of the United States of America

A Proclamation

WHEREAS experience has shown that effective community fire-prevention programs can save thousands of lives each year and millions of dollars in property values; and

WHEREAS increased fire losses during the past year emphasize the need for increased care, responsibility, and community action on the part of all of the American people:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate the week beginning October 4, 1959, as Fire Prevention Week.

I call upon our people to promote programs for the prevention of fires; and I urge State and local governments, the American National Red Cross, the Chamber of Commerce of the United States, and business, labor and farm organizations, as well as schools, civic groups, and public-information agencies, to share actively in observing Fire Prevention Week. I also direct the appropriate agencies of the Federal Government to assist in this national effort to reduce the loss of life and property resulting from fires.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 21st day of July in the year of our Lord nineteen hundred and fifty-nine, and of the Independence of the United States of America the one hundred and eighty-fourth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

DOUGLAS DILLON,
Acting Secretary of State.

[F.R. Doc. 59-6132; Filed, July 22, 1959; 1:30 p.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7284 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Kalan Uniform Co., Inc., et al.

Subpart—*Misbranding or mislabeling:* § 13.1215 *Government, official or other sanction;* § 13.1235 *Indorsements, approval, or awards.* Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1645 *Government standards or specifications.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Kalan Uniform Co., Inc., et al., Chicago, Ill., Docket 7284, June 26, 1959]

In the Matter of Kalan Uniform Co., Inc., a Corporation, and Macey B. Gordon, John William Benson, and Philip Fishbein, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging Chicago sellers of uniforms to military personnel with representing falsely that their military uniforms had been approved by the United States Government, by such practices as attaching labels so similar to the certificate label authorized by the U.S. Army's Uniform Quality Control Office that soldiers were led to believe that the garments were approved by that agency.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 26 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Kalan Uniform Co., Inc., a corporation, and its officers, and respondents Macey B. Gordon, John William Benson, and Philip Fishbein, individually and as offi-

(Continued on next page)

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.

CODIFICATION GUIDE—Con.

cers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of uniform items in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Using any label which simulates or closely resembles the label provided by Army Regulation AR 700–8400–3, promulgated by the Department of the Army on January 15, 1957, on any Controlled Uniform Item which has not been approved by the Uniform Quality Control Office, or representing, directly or indirectly, by marking or labeling or in any other manner, that any Controlled Uniform Item has been approved by said Uniform Quality Control Office or by any other agency of the United States Government, when such item has not been so approved.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 11, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59–6086; Filed, July 23, 1959; 8:45 a.m.]

[Docket 7446 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

George Horwitz et al.

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68–68(c)) [Cease and desist order, George Horwitz et al. trading as North Bergen Quilting Company, North Bergen, N.J., Docket 7446, June 26, 1959]

In the Matter of George Horwitz, and Milton Horwitz, Individually and as Copartners Trading as North Bergen Quilting Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging manufacturers in North Bergen, N.J., with violating the Wool Products Labeling Act by falsely labeling, and by failing to label, interlinings as to their fiber content.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decison and order to cease and desist which became on June 26 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents George Horwitz and Milton Horwitz, individually and as copartners trading as North Bergen Quilting Company, or trading under any other name or names, and respondents' agents, representatives and employees, directly or through any corporate or other device in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939 of woolen interlining material or other woolen products, as such products are defined in and subject to the said Wool Products Labeling Act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amounts of the constituent fibers contained therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification, showing in a clear and conspicuous manner:

(a) The percentage of the total weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage, by weight of such fiber, is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter;

(c) The name or registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

It is further ordered, That the respondents George Horwitz and Milton Horwitz, individually and as copartners trading as North Bergen Quilting Company, or trading under any other name or names, and respondents' agents, representatives and employees, directly or through any corporate or other device in connection with the sale or distribution of woolen fabrics or any other woolen products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the constituent fibers of which their products are composed or the percentages or amounts thereof in sales invoices, shipping memoranda or in any other manner.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents George Horwitz and Milton Horwitz, individually and as copartners trading as North Bergen Quilting Company, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 26, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59–6087; Filed, July 23, 1959; 8:45 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—ALASKA COMMERCIAL FISHERIES

PART 105—ALASKA PENINSULA AREA

PART 109—COOK INLET AREA

Miscellaneous Amendments

Basis and purpose. Because the escapement of red salmon in the Bear River section in the Alaskan Peninsula area totals only 30,000 fish, compared with a commercial catch of 340,000 fish, curtailment in fishing time is needed to secure additional escapement.

Continued stormy weather in Cook Inlet has precluded fishing as contemplated by § 109.9(a) as amended July 17, while red salmon escapements continue to be good. Thus additional fishing time can be permitted without jeopardizing needed escapements.

Therefore the following actions are taken:

1. In Part 105, § 105.5(b)(3)(i) is amended to read as follows:

(i) Purse seines and gill nets may be used throughout the section from 6 a.m. June 22 to 6 p.m. June 25; from 6 a.m., July 22 to 6 p.m. July 23; and from 6 a.m. August 3, to 12 noon September 30, 1959.

2. Effective at 12 noon July 22, 1959, paragraph (a) of § 109.9 *Weekly closed period,* is amended to read as follows:

(a) From 9 a.m. Saturday to 9 a.m. Monday in the Northern, North Central, South Central and Southern districts.

Since immediate action is necessary notice and public procedure on these amendments are impracticable and they shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221)

Dated: July 22, 1959.

RALPH C. BAKER, *Acting Director, Bureau of Commercial Fisheries.*

[F.R. Doc. 59–6135; Filed, July 23, 1959; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket 70; Amdt. 127]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. The Administrator finds that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	300–1
				C-dn	500–1	500–1	500–1½
				S-dn-10	500–1	500–1	500–1
				A-dn	NA	NA	NA

Procedure turn South side of West crs, 279° Outbnd, 099° Inbnd, 1500' within 10 mi.
Minimum altitude over facility on final approach crs, 800'.
Crs and distance, facility to airport, 098°—3.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles, make a left climbing turn to 1500', return to the NKZ LFR, hold on the West crs, one minute, right turns.
NOTES: No weather reporting. No tower communications at airport. Contact Salisbury Radio for ATC clearance. Prior approval required from NASA Chincoteague, Va., for landings at this airport.

City, Chincoteague; State, Va.; Airport Name, NASA Chincoteague; Elev., 38'; Fac. Class, SBMRLZ; Ident., NKZ; Procedure No. 1, Amdt. Orig.; Eff. Date, 15 Aug. 59

LaHabra FM	LGB–LFR	Direct	1800	T-dn*	300–1	300–1	200–½
Huntington Beach FM	LGB–LFR (Final)	Direct	1000	C-dn	500–1	600–1	600–2
Long Beach VOR	LGB–LFR	Direct	1500	S-dn-30	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar vectoring to final approach course authorized.
Procedure turn S side SE crs. 118° Outbnd, 298° Inbnd, 1500' within 10 miles, beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 1000'.
Crs and distance, facility to airport, 298—2.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles, climb to 800' on NW crs LGB LFR, turn left, climb on 200° heading to interception of 160° crs from LAX RBn and proceed to San Pedro Int at 2500' or, when directed by ATC, climb to 800' on NW crs LGB, reverse course to left and return to LGB LFR at 1,500'.
CAUTION: 500' hill with oil derricks one mile S of airport; standard clearance not provided over obstructions for circling minimums. All circling and maneuvering shall be accomplished North of field.
Major Change: Deletes transition utilizing El Toro LFR.
*300–1 required for takeoff runways 16L, 25L, 34R; 600–1½ required for takeoff runway 16R.

City, Long Beach; State, Calif.; Airport Name, Municipal; Elev., 56'; Fac. Class, SBMRLZ; Ident., LGB; Procedure No. 1, Amdt. 16; Eff. Date, 15 Aug. 59; Sup. Amdt. No. 15; Dated, 4 Jan. 58

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CRW LFR	CR LOM	Direct	2500	T-dn	300–1	300–1	200–½
CRW VOR	CR LOM	Direct	2500	C-dn	600–1	600–1	600–1½
Gay Int	CR LOM	Direct	2500	S-dn-23	600–1	600–1	600–1
Walnut Grove Int	CR LOM	Direct	2500	A-dn	800–2	800–2	800–2
Ivydale Int	CR LOM	Direct	2500				

Radar Terminal Area Transition Altitudes (Sectors are magnetic clockwise from Radar Site):
160° to 210° within 10 miles, 3000'.
210° to 160° within 10 miles, 2500'.
All sectors within 15 miles, 3000'.
All sectors within 23 miles, 5000'.
Procedure turn North side of crs, 050° Outbnd, 230° Inbnd, 2300' within 10 miles.
Minimum altitude over facility on final approach crs, 2300'.
Crs and distance, facility to airport, 230°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing LOM, climb to 3000' proceeding to Charleston LFR or, when directed by ATC, climb to 2500' direct to Charleston VOR.

City, Charleston; State, W. Va.; Airport Name, Kanawha County; Elev., 981'; Fac. Class, LOM; Ident., CR; Procedure No. 1, Amdt. 10; Eff. Date, 15 Aug. 59; Sup. Amdt. No. 9 (ADF portion of Comb. ILS–ADF); Dated, 29 Apr. 58

LGB LFR	LOM	Direct	1500	T-dn*	300–1	300–1	200–½
Huntington Beach FM	LOM (Final)	Direct	1400	C-dn	500–1	600–1	600–2
San Pedro Int	LOM	Direct	1500	S-dn-30	500–1	500–1	500–1
LGB VOR	LOM	Direct	1500	A-dn	800–2	800–2	800–2

Radar vectoring to final approach crs authorized.
Procedure turn S side of SE crs, 120° Outbnd, 300° Inbnd, 1500' within 10 mi of LOM. NA beyond 10 miles.
Minimum altitude over facility on final approach crs, 1100'.
Crs and distance, facility to airport, 300°—4.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 mi after passing LOM, climb to 800' on 300° brng from LOM; turn left, climb on 200° heading to interception of 160° crs from LAX RBn and proceed to San Pedro Int at 2500' or, when directed by ATC, climb to 800' on NW crs LGB LFR, reverse crs to left and return to LGB LFR at 1500'.
CAUTION: Standard clearance over obstructions not provided for circling minimums; 500' hill with oil derricks one mile south of airport. All circling and maneuvering shall be accomplished North of field.
*300–1 required for takeoff Runways 16L, 25L, 34R; 600–1½ required for takeoff Rwy 16R.

City, Long Beach; State, Calif.; Airport Name, Municipal; Elev., 56'; Fac. Class, LOM; Ident., LG; Procedure No. 1, Amdt. 15; Eff. Date, 15 Aug. 59; Sup. Amdt. No. 14 (ADF portion of Comb. ILS–ADF); Dated, 4 Jan. 58

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Albany LFR	ABY-VOR	Direct	1600	T-dn	300–1	300–1	*300–1
				C-dn	500–1	500–1	500–1½
				S-dn-16	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar transition altitude, 000° thru 360°, 1600′ within 25 miles. All bearings and distances are from radar antenna site with sector azimuths progressing clockwise. Radar control must provide 3 miles or 1000′ vertical separation; or 3 to 5 miles and 500′ vertical separation from the following towers: 719′ MSL 22 miles WNW, 1362′ MSL 20 miles SSE.

Procedure turn W side crs, 333° Outbnd, 153° Inbnd, 1500′ within 10 mi.

Minimum altitude over facility on final approach crs, 1100′.

Crs and distance, facility to airport, 153—5.1.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 mi, climb to 1500′ on R-172 within 20 mi of ABY-VOR.

City, Albany; State, Ga.; Airport Name, Municipal; Elev., 196′; Fac. Class, BVOR; Ident. ABY; Procedure No. 1, Amdt. 7; Eff. Date, 15 Aug. 59; Sup. Amdt. No. 6; Dated, 15 Nov. 58

				T-d	300–1	NA	NA
				C-d	500–1	NA	NA
				A*	NA	NA	NA

Procedure turn West side of crs, 358° Outbnd, 178° Inbnd, 2000′ within 10 miles.

Minimum altitude over facility on final approach crs, 1400′.

Crs and distance, facility to airport, 178°—3.5 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles, climb straight ahead on R-178 of the Waterville VOR to 1500′, then make a left climbing turn to 2000′ and return to the Waterville VOR. Hold Southeast on Waterville VOR R-157, one minute, left turns.

CAUTION: Stacks 850′ one mile SW of airport and tower 947′ two miles SE of airport.

NOTES: Airport communications available on 122.8, sunrise to sunset. No tower communications at airport. Contact Toledo approach control for ATC clearance. Night operations NA. No airport lighting.

*No weather reporting available.

City, Bowling Green; State, Ohio; Airport Name, University; Elev., 675′; Fac. Class, VOR; Ident., VWV; Procedure No. 1, Amdt. Orig.; Eff. Date, 15 Aug. 59

LGB LFR	LGB VOR	Direct	1500	T-dn*	300–1	300–1	200–½
Huntington Beach FM	LGB VOR	Direct	1500	C-dn	500–1	600–1	600–2
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 120° Outbnd, 300° Inbnd, 1500′ within 10 mi.

Minimum altitude over facility on final approach, 1500′.

Crs and distance, facility to airport, 274°—4.4 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles, make immediate right climbing turn and return to LGB VOR at 1500′.

NOTE: Use of this procedure under VFR flight conditions must be approved by the NAS Los Alamitos Tower.

CAUTION: Standard clearance over obstructions not provided for circling minimums; 500′ hill with oil derricks one mile south of airport. All circling and maneuvering shall be accomplished North of field.

*300–1 required on Runways 16L, 25L, and 34R; 600–1½ required for takeoff on Runway 16R.

City, Long Beach; State, Calif.; Airport Name, Long Beach; Elev. 56′; Fac. Class, BVOR; Ident., LGB; Procedure No. 1, Amdt. 1; Eff. Date, 15 Aug. 59; Sup. Amdt No. Orig.; Dated, 19 May 58

PROCEDURE CANCELLED, EFFECTIVE 27 AUGUST 1959.

City, Modesto; State, Calif.; Airport Name, Municipal; Elev., 96′; Fac. Class, VORW; Ident., MOD; Procedure No. 1, Amdt. 4; Eff. Date, 4 May 57; Sup. Amdt. No. 3; Dated, 8 Jan. 55

MSY-LFR	MSY-VOR	Direct	1400	T-dn	300–1	300–1	200–½
La Place MHW	MSY-VOR	Direct	1400	C-dn	400–1	500–1	500–1½
Int Bayou St. John FM and R-063 MSY-VOR.	MSY-VOR (Final)	243—4.3	700	S-dn-23	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2
Int Bayou St. John FM and R-079 MSY-VOR.	MSY-VOR (Final)	259—4.5	700				
Radar Fix#	MSY-VOR (Final)	Direct	700				

#Radar Fix is 5 mi dist. from VOR on R-054.

Radar transition altitude 1500′ within 25 miles. Radar control must provide 3 mi lateral or 1000′ vertical separation from 623′ and 563′ radio towers 12 miles SE of airport, and 978′ TV tower 16 miles East of airport.

Procedure turn N side of crs, 057° Outbnd, 237° Inbnd, 1200′ within 10 mi.

Minimum altitude over facility on final approach crs, 700′.

Crs and distance, facility to airport, 237°—4.4 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 mi of VOR, climb to 1300′ on R-237 within 20 mi or, when directed by ATC, (1) turn right, intercept and climb to 1400′ on R-271 to La Place RBn or (2) turn left, intercept and climb to 1500′ on R-208 within 20 mi.

CAUTION: 409′ radio tower 2.3 mi North of airport.

City, New Orleans; State, La.; Airport Name, Moisant Int'l.; Elev., 3′; Fac. Class, VORTAC; Ident., MSY; Procedure No. 1, Amdt. 1; Eff. Date, 15 Aug. 59; Sup. Amdt. No. Orig.; Dated, 20 Dec. 58

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Watsonville Int*	Santa Rita FM or Int** (Final)	122—10	1100	T-dn	300–1	300–1	300–1
Santa Rita FM or Int**	SNS VOR (Final)	122—4.2	600	C-dn	500–1	500–1	500–1½
				S-dn-13	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Standard procedure turn NA. All maneuvering and descent shall be accomplished in a two-minute right turn holding pattern NW of R-302 SNS-VOR, minimum altitude 1500'. Descent to cross Santa Rita FM or Int. at 1100' authorized on final approach course 122° inbnd on R-302 SNS-VOR.

Facility on airport.

Minimum altitude over facility on final approach crs, #600'.

Crs and distance, breakoff point to Rwy 13, 131°—0.4 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles of SNS VOR, make 180° right turn and climb to 1700' in a two-minute right turn holding pattern on R-302 (122° inbnd, 302° outbnd) of SNS VOR.

*R-302 SNS VOR and 173° brng to Monterey LMM.

**R-302 SNS VOR and 212° brng to Monterey LMM.

#If Santa Rita FM or Int is not identified on final, ceiling minimums of 1000' for landing are applicable.

City, Salinas; State, Calif.; Airport Name, Salinas; Elev., 84'; Fac. Class, BVOR; Ident., SNS; Procedure No. TerVOR-13, Amdt, 1; Eff. Date, 15 Aug. 59; Sup, Amdt. No. Orig.; Dated, 28 Aug. 58

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Albuquerque LFR	LOM	Direct	7000	T-dn	300–1	300–1	200–½
Albuquerque VOR	LOM	Direct	7000	C-dn	400–1	500–1	500–1½
Aden Int (via N crs ABQ ILS)	LOM	Direct	8000	S-dn-35	200–½	200–½	200–½
Peralta Int-FM	LOM (Final)	Direct	6400	A-dn	600–2	600–2	600–2
Weiler Int	LOM	Direct	7000				
Kirtland Int	LOM	Direct	7000				
Int 090 R ABQ VOR and ILS S crs	LOM	Direct	7000				
Int 107 R ABQ VOR and ILS S crs	LOM	Direct	7000				
Belen MHW	Peralta Int	Direct	7000				
South Int (via S crs ABQ Loc.)*	LOM	Direct	7000				
South Int	Peralta Int/FM	Direct	7000				
La Joya VOR	South Int	Direct	8000				
Mooney Int	Roundhouse Int	Direct	12,000				
Roundhouse Int	Belen MHW	Direct	8000				
Dalies Int	Belen MHW	Direct	8000				
Dalies Int	LOM	Direct	8000				

Procedure turn W side S crs, 170° Outbnd, 350° Inbnd, 7000' within 10 mi.

Minimum altitude at G.S. int inbnd 6400.

Altitude of G.S. and distance to appr end of rny at OM 6400—3.8, at MM 5530—0.6.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make a left climbing turn, climb to 8000' on N crs ABQ LFR to Alameda MHW or, when directed by ATC, (1) make left climbing turn, climb to 8000' on 260° crs direct to ABQ VOR, (2) turn left and climb to 8000' on W crs ABQ LFR within 20 miles, (3) aircraft will be vectored to MEA in accordance with approved radar patterns.

CAUTION: Terrain exceeding 8000' E of ILS localizer—all turns to be made W of localizer crs.

*Int R-147 ABQ VOR and ABQ ILS South crs.

City, Albuquerque; State, N. Mex.; Airport Name, Kirtland AFB/Mun.; Elev., 5352'; Fac. Class, ILS; Ident., ABQ; Procedure No. ILS-35, Amdt. 16; Eff. Date, 15 Aug. 59; Sup. Amdt. No. 15; Dated, 4 July 59

Peconic LFR	OM (Final)	Direct	1500	T-dn	300–1	300–1	200–½
Riverhead VOR	OM	Direct	1500	C-dn	400–1	500–1	500–1½
				S-dn-5	#300–¾	#300–¾	#300–¾
				A-dn	600–2	600–2	600–2

Procedure turn S side of crs, 228° Outbnd, 048° Inbnd, 1500' within 10 miles of PIC-LFR.

Minimum altitude at glide slope int inbnd 1500'.

Altitude of glide slope and distance to approach end of runway at OM, 1490', 5.0 mi; MM 285', 0.6 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1000' on the ILS NE crs within 10 miles, then make a left climbing turn to 1500' and proceed direct to the Peconic LFR. Hold SW of Peconic LFR on SW crs of ILS, one minute, right turns.

#400–¾ required with Glide Slope inoperative.

City, Calverton; State, N.Y.; Airport Name, Peconic River; Elev., 75'; Fac. Class, ILS; Ident., PIC; Procedure No. ILS-5, Amdt. 1; Eff. Date, 15 Aug. 59; Sup. Amdt. No. Orig.; Dated, 4 Apr. 59

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine more than 65 knots
					65 knots or less	More than 65 knots	
Charleston LFR	LOM	Direct	1200	T-dn	300-1	300-1	200-½
Charleston VOR	LOM	Direct	1200	C-dn	400-1	500-1	500-1½
Tucker Int	LOM (Final)	Direct	1200	S-dn-15#	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

#400-¾ required when glide slope not utilized.
Procedure turn W side NW crs, 328° Outbnd, 148° Inbnd, 1200′ within 10 mi.
Minimum altitude at G.S. interception inbnd final, 1200′.
Altitude of G.S. and distance to approach end of rny at OM, 1180′—3.7 mi; at MM, 256′—0.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ on SE crs of ILS within 15 miles or, when directed by ATC, turn left, climb to 1200′ and return to CHS LOM.
CAUTION: Tower 1049′ msl 10 mi SE.

City, Charleston; State, S.C.; Airport Name, Charleston AFB/Mun.; Elev., 45′; Fac. Class, ILS; Ident., ICHS; Procedure No. ILS-15, Amdt. 3; Eff. Date, 15 Aug. 59; Sup. Amdt. No. 2; Dated, 3 Jan. 59

Int NE crs ILS and brng 254° to CRW LFR	LOM	Direct	2500	T-dn	300-1	300-1	200-½
CRW LFR	LOM	Direct	2500	C-dn	600-1	600-1	600-1½
CRW VOR	LOM	Direct	2500	S-dn-23	500-1	500-1	500-1
Gay Int	LOM	Direct	2500	A-dn	800-2	800-2	800-2
Walnut Grove Int	LOM	Direct	2500				
Ivydale Int	LOM	Direct	2500				

Radar Terminal Area Transition Altitudes (Sectors are magnetic clockwise from Radar Site):
160°–210° within 10 miles, 3000′.
210°–160° within 10 miles, 2500′.
All sectors within 15 miles, 3000′.
All sectors within 23 miles, 5000′.
Procedure turn N side NE crs, 050° outbnd, 230° inbnd, 2300′ within 10 miles.
Minimum altitude at glide slope interception inbnd, 2300′.
Altitude of G.S. and distance to approach end of rny at LOM, 2330′—4.3; at LMM 1130′—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000′ proceeding to CRW LFR or, when directed by ATC, climb to 2500′ proceeding to CRW VOR.
NOTE: Provisions for use with inoperative ILS components are not applicable to this procedure.

City, Charleston; State, W. Va.; Airport Name, Kanawha County; Elev., 981′; Fac. Class, ILS; Ident., CRW; Procedure No. ILS-23, Amdt. 10; Eff. Date, 15 Aug. 59; Sup. Amdt. No. 9 (ILS portion of Comb. ILS-ADF); Dated, 29 Apr. 58

LGB LFR	LOM	Direct	1500	T-dn*	300-1	300-1	200-½
Huntington Beach FM	LOM (Final)	Direct	1400	C-dn	500-1	600-1	600-2
San Pedro Int	LOM	Direct	1500	S-dn-30#	300-¾	300-¾	300-¾
LGB VOR	LOM	Direct	1500	A-dn	600-2	600-2	600-2

Radar vectoring to final approach course authorized.
Procedure turn S side SE crs, 120° Outbnd, 300° Inbnd, 1500′ within 10 mi of LOM. Beyond 10 mi NA.
Minimum altitude at Glide Slope Int inbnd, 1400′.
Altitude of Glide Slope and distance to approach end of runway at OM, 1230′—4.2 mi; at MM, 220′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 800′ on NW crs LGB ILS; turn left, climb on 200° heading to intercept on of 160° crs from LAX RBn and proceed to San Pedro Int at 2500′ or, when directed by ATC, climb to 800′ on NW crs LGB-LFR, reverse crs to left and return to Long Beach LFR at 1500′.
CAUTION: Standard clearance over obstructions not provided for circling minimums; 500′ hill with oil derricks one mi S of airport. All circling and maneuvering shall be accomplished North of field.
Major Change: Deletes transition utilizing El Toro LFR.
*300-1 required for takeoff runways 16L, 25L, 34R; 600-1½ required for takeoff Runway 16R.
#Straight-in landing minimums are 400-1 with glide slope inoperative.

City, Long Beach; State, Calif.; Airport Name, Municipal; Elev., 56′; Fac. Class, ILS; Ident., LGB; Procedure No. ILS-30, Amdt, 15; Eff. Date, 15 Aug. 59; Sup. Amdt. No. 14 (ILS portion of Comb. ILS-ADF); Dated, 4 Jan. 58

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 65 knots
															65 knots or less	More than 65 knots	
														Surveillance approach			
205	255	5	1800	10	2500	15	3500	20	3500					T-dn*	300-1	300-1	200-½
255	205	5	1800	10	2000	15	3000	20	3500					C-dn	500-1	600-1	600-2
														S-dn#	500-1	500-1	500-1
														A-dn	800-2	800-2	800-2

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 800′ msl, then proceed to San Pedro Int continuing climb to minimum of 2500′ msl.
CAUTION: Circling minimums do not provide clearance over 500′ hill one mile south of airport. All circling and maneuvering shall be accomplished north of field.
*300-1 required for takeoff Rnys 16L, 25L, and 34R; 600-1½ required for takeoff Rny 16R.
#Rnys 7L, 25R, 16R, 30.

City, Long Beach; State, Calif.; Airport Name, Municipal; Elev., 56′; Fac. Class, Long Beach; Ident., Radar; Procedure No. 1, Amdt. 1; Eff. Date, 15 Aug. 59, Sup. Amdt No. Orig.; Dated, 9 Mar. 57

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on July 17, 1959.

B. PUTNAM,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 59-6083; Filed, July 23, 1959; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Estimated Season Average Price for 1959–60 Crop Year

In accordance with the provisions of paragraph (a) of § 993.50 of Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act", it is hereby found that:

(a) The estimated season average price for prunes for the 1959–60 crop year, which will begin on August 1, 1959, will be in excess of the price level (i.e., parity) contemplated by the provisions of section 2(1) of the act; and

(b) The handling of prunes during such crop year in accordance with the provisions of paragraphs (b), (c), (d), (e) and (f) of § 993.50 will tend to effectuate the declared policy of the act by establishing and maintaining such minimum standards of quality and maturity and such grading and inspection requirements for prunes in interstate commerce as will effectuate such orderly marketing of prunes as will be in the public interest, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish thereunder.

In conformity with the requirements of § 993.42 of the amended marketing agreement and order, the Prune Administrative Committee (established under the amended marketing agreement and order) reconsidered, at its meeting of July 10, 1959, its original marketing policy for the 1959–60 crop year, including the consideration of the Secretary's tentative views with respect thereto and other relevant data, and unanimously recommended that the above-parity finding set forth in the preceding paragraph be made and that the handling of prunes shall be in accordance with the provisions of § 993.50. Available information indicates for the 1959–60 crop year a below-average total available supply of prunes that will be somewhat less than the total probable market requirements in domestic and foreign commerce (including carryout), that the prospective demand situation is enhanced by small early-season inventories of prunes, prune juice and concentrate, and by increased dollar area quotas established for dried fruits by the United Kingdom, and that the season average price to producers for prunes will exceed parity.

Since the provisions of § 993.50 are being made effective in lieu of the requirements of §§ 993.48 and 993.49 (which would otherwise be operative in the absence of this order) for the 1959–60 crop year, the minimum standards as to grade for natural condition prunes or processed prunes, as the case may be, shall be those set forth in § 993.97 (Exhibit A), as currently in effect (23 F.R. 6339). Therefore, the respective combined tolerance allowances of 20 percent as provided in § 993.97 (Exhibit A) for the defects included therein would be in effect during the 1959–60 crop year instead of the modified combined tolerance allowances of 15 percent made effective August 20, 1957 (22 F.R. 6645) pursuant to the provisions of §§ 993.48(c) and 993.49(c). Moreover, the pack regulations, which became effective June 20, 1958 (§§ 993.501–993.518; 23 F.R. 3373) pursuant to § 993.49(b)(3) would be inoperative during the 1959–60 crop year, the same as for the current crop year.

It is, therefore, ordered, That:

1. The provisions of paragraphs (b), (c), (d), (e) and (f) of § 993.50 shall apply to all handling of prunes during the 1959–60 crop year beginning August 1, 1959.

2. The modified (22 F.R. 6645) combined tolerance allowances of 15 percent for the defects contained in § 993.97 (Exhibit A), effective August 20, 1957, shall not be operative for said 1959–60 crop year.

3. The pack regulations, effective June 20, 1958 (§§ 993.501–993.518; 23 F.R. 3373), shall not be operative for said crop year.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) and for making the provisions hereof effective August 1, 1959, in that: (1) The regulatory provisions pursuant to the amended marketing agreement and order that are currently in effect (23 F.R. 6339) will terminate at the end of the present, above-parity crop year (i.e., on July 31, 1959); (2) in the absence of the requirements pursuant hereto becoming effective August 1, 1959—the beginning of the 1959–60 crop year—more restrictive requirements pursuant to §§ 993.48 and 993.49 would, unless sooner suspended or modified, automatically become operative at that time with respect to the handling of prunes during that crop year; (3) the regulatory provisions pursuant to the amended marketing agreement and order that are hereby ordered to be in effect during the 1959–60 crop year are authorized by said marketing agreement and order and are substantially the same as those in effect during the current crop year and are well known to handlers; (4) handlers will need to know as soon as possible the regulations which will apply to the handling of prunes during the 1959–60 crop year so as to arrange their operations accordingly; (5) prunes of the 1958 crop are on hand and will continue to be handled beyond the current crop year (i.e., after July 31, 1959); (6) to be of maximum benefit, the above-parity requirements prescribed by this order for the 1959–60 crop year for prunes should be in effect for the entire crop year and regulate all handling of prunes, including the August 1, 1959, carryin; (7) to delay the effective time hereof beyond the beginning of the 1959–60 crop year (i.e., beyond August 1, 1959) would result in the applicability of the above-parity requirements during only a portion of such crop year, which would not tend to effectuate the declared policy of the act; (8) compliance herewith will require no advance preparation by handlers; and (9) the requirements hereof relieve restrictions against the handling of prunes during the 1959–60 crop year which would otherwise become effective August 1, 1959, in the absence of the above-parity finding herein.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated July 21, 1959, to become effective August 1, 1959.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 59-6106; Filed, July 23, 1959; 8:48 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 911]

[Docket No. AO-262-A4]

MILK IN TEXAS PANHANDLE MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Amarillo, Texas, on January 22–24, 1959, pursuant to notice thereof issued on December 23, 1958 (23 F.R. 10,540).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on June 12, 1959 (24 F.R. 4920) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Expanding the marketing area;
2. Qualifying a cooperative association as a handler with respect to farm bulk tank milk which it delivers directly to the pool plant of another handler;
3. Modifying the location differentials to handlers and producers;
4. Revising provisions with respect to transfers of more than 300 miles but less than 350 miles;
5. Modifying the Class II milk price; and
6. Providing that handlers should furnish cooperative associations with information on the volume of milk received from their member producers on earlier dates than now provided in the order.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The marketing area should be expanded to include Childress, Collingsworth, and Swisher counties in the State of Texas, and Beckham County, Oklahoma.

In each of these counties milk for fluid distribution is required to meet essentially the same health standards as in the presently regulated marketing area.

Collingsworth and Childress counties are a part of the market normally served by Texas Panhandle handlers. Approximately 80 percent of the milk sold in these counties is distributed by handlers who are regulated under the Texas Panhandle marketing order. With the possible exception of a producer-handler located in Childress County, the remainder of the distribution of milk in these two counties is by handlers who are regulated under other Federal marketing orders. Inclusion of these counties in the area would bring no new plants under regulation.

Swisher County should likewise be added to the marketing area. About 90 percent of the milk now is distributed there by regulated handlers. The largest distributor of milk in the county is a handler whose plant is located at Tulia in Swisher County. At the time of the hearing this plant was partially regulated under the Texas Panhandle order because its sales in the marketing area were very limited. Official notice is taken of the fact that subsequent to the hearing this plant expanded its sales in the present marketing area to such an extent that it became a fully regulated handler under the order during March 1959. In addition to these plants there is at least one unregulated plant from which milk is distributed in Swisher County. The volume of milk which it disposes of in the county is such that expansion of the area to include Swisher County is not expected to bring it under full regulation of the order.

The principal distributor of milk in Beckham County, Oklahoma, is a handler whose plant is at Elk City in that county. This handler distributes milk throughout the present marketing area and has been subject to full regulation ever since the order was issued. In addition to his normal route distribution, this handler regularly supplies large volumes of milk to military installations and other government agencies outside the Texas Panhandle marketing area. Contracts to supply such milk are usually for periods of 3 to 6 months. At times the volume of milk involved in such contracts is fairly substantial. At certain periods the volume of milk supplied to government installations in neighboring marketing areas has been such that the handler was very close to becoming regulated under an adjoining order rather than under the Texas Panhandle order for the life of the contract.

If the regulation of this handler were to shift from the Texas Panhandle order to some adjacent order and then back to the Texas Panhandle order again every 3 to 6 months, it would disrupt the orderly marketing of milk in both the Texas Panhandle marketing area and the other marketing areas involved. This would be particularly true if the shift in regulation occurred during either the base-forming or base-paying period. Since the bulk of this handler's route distribution is in the Texas Panhandle marketing area and in Beckham County and his sales in other marketing areas are confined generally to short-term contracts to supply government installations, it is desirable that the handler continue to be regulated under the Texas Panhandle marketing order. The most feasible way to insure his continued regulation under this order is to add Beckham County, Oklahoma, to the marketing area. This county is adjacent to the present marketing area.

In addition to the handler at Elk City who is the largest distributor of milk in the county, it is served by at least one other handler subject to regulation under the Texas Panhandle order. Milk is also distributed in Beckham County by several handlers who are regulated under either the Oklahoma Metropolitan or the Red River Valley marketing order. There are no unregulated plants from which milk is distributed in the area. Thus, extending regulation to Beckham County will not bring under regulation any new handlers, but it will insure that the plant at Elk City will continue to be regulated under the Texas Panhandle marketing order.

The marketing area should not be expanded to include any of the 5 New Mexico counties of Chaves, Curry, Lea, Quay, and Roosevelt, which were proposed to be annexed to the present marketing area.

The addition of these counties was proposed by one of the handlers subject to regulation and was supported by the North Texas Producers Association which is the major cooperative association supplying the Texas Panhandle marketing area.

The handler that made the proposal disposes of a substantial volume of milk in the 5-county area of New Mexico. It is the only regulated handler which regularly disposes of milk on routes in those 5 counties. In support of its request for inclusion of this territory in the marketing area, the handler attempted to show that its distribution in New Mexico which, incidentally, is approximately one-third of its total distribution of milk, was threatened by chaotic conditions and unfair competition from unregulated handlers located in New Mexico. The evidence, however, does not support the contention since sales of milk by this handler in New Mexico have continued to expand and there is no showing that a substantial loss of sales in any portion of that area has occurred.

The absence of lower priced competition from unregulated milk in the 5 New Mexico counties is borne out by the fact that the contract to supply milk to the Air Force Base at Clovis in Curry County has been obtained by handlers regulated under the Texas Panhandle marketing order during at least half of the contract periods in recent years. At the present time this contract is held by one of the Texas Panhandle handlers.

The North Texas Producers Association in urging the annexation of these counties to the Texas Panhandle marketing area stated that it had more than 100 members among producers supplying milk to plants located in the New Mexico area, but that it was unable to

negotiate with these plant operators, either with respect to prices paid producers or with respect to a plan for rendering marketing services to its members in New Mexico. The association, however, presented very little evidence to support its position on the grounds that it was fearful that if specific instances were cited the New Mexico handlers would take retaliatory action against the member producers involved.

Inclusion of the New Mexico area under the Texas Panhandle marketing order was opposed by all handlers located in New Mexico and by the Dairy Farmers Association of New Mexico, an organization which allegedly represents most of the dairy farmers supplying milk to plants in the State of New Mexico and the City of El Paso, Texas. Since this Association claims to represent a majority of the producers located in the 5-county area, it appears that either, one of the associations overestimated its membership, or there must be some producers who are members of both this Association and the North Texas Producers Association. This Dairy Farmers Association claimed that its relationships with the handlers to whom it sold milk are excellent, that it felt that milk was being properly accounted for, both as to weight and test, and that any questions which might arise as to the weight and test of an individual producer's milk had always been satisfactorily settled. In addition, it was stated that the New Mexico laws are such that the Association could obtain an audit of a handler's books any time that it felt there was an indication that the handler was not properly accounting for the utilization of producer milk.

Since the only handler regulated under the Texas Panhandle order at the present time who regularly distributes milk in the 5-county area has been able to expand his sales there, and since there is no evidence that regulation of the 5-county area is necessary to maintain orderly marketing in the present marketing area, it must be concluded that there are no grounds at the present time for expanding the Texas Panhandle marketing area into the State of New Mexico.

2. The handler definition should be changed to provide for a cooperative association to become a handler with respect to milk which it delivers directly from the farms of its member producers to the pool plant of another handler in tank trucks owned or operated by such association, if it desires to assume the handler obligations of the order relative to accounting to the pool and making payments to producers for such milk. Shrinkage incurred on such bulk tank milk, for which the cooperative association elects to become the handler, should be divided between such association and the pool plant to which it is delivered. Actual shrinkage in an amount up to 0.5 percent of the total receipts of skim milk and butterfat in such milk should be allocated to the cooperative association and the pool plant to which the milk is delivered for processing should be permitted shrinkage in an amount not in excess of one and one-half percent of the pounds of skim milk and butterfat in such milk.

Proponent producers testified that more than 50 percent of the milk delivered to the distributing plants of other handlers is from farm bulk tanks. This has created a problem with respect to the determination of responsibility to the individual producers. When milk comes to market in cans, the milk of the individual producers is dumped, weighed, and a sample taken for butterfat testing by an employee of the plant where the milk is used. The operator of the plant is responsible for paying the individual producer for the quantity of milk received at the determined butterfat test.

When milk comes to market in a bulk tank truck, the weight of the milk is checked and a sample for butterfat testing is taken by the driver at the farm. The milk of a number of producers is intermingled in the tank truck. When the tank truck is owned or operated under the control of the cooperative association, the weight of each producer's milk is checked and a sample for butterfat testing is taken by a person who is an employee of, or directly responsible to the cooperative association. The handler who receives the milk of a number of producers in the tank has no way of knowing the weight or the butterfat test of the milk of the individual producers whose milk is contained in the load, except as such information is reported to him by the association. In some instances, especially with respect to supplemental loads, the handler may not even know the identity of the producers whose milk he receives.

There are two cooperative associations with member producers supplying the market. One association testified in favor of the proposal and the other offered no testimony.

To the present time, the problems created by the conversion to bulk tank milk have not been serious and the cooperative association and the handlers have ironed out any difficulties that have arisen with respect to the weights and tests of milk in bulk tanks. As the trend to bulk tanks continues, however, the problems will become more numerous and more serious. Accordingly, it is concluded that a cooperative association should be qualified as a handler with respect to bulk tank milk of its member producers which it causes to be delivered from their farms to the pool plant of another handler, but on a permissive basis at the present time. If a cooperative association wishes to become the handler for such bulk tank milk deliveries, it will be so considered if, prior to the first day of the month in which the change is to be effective, it notifies the market administrator and the handler to whom the milk is delivered in writing to that effect. Otherwise, the handler at whose pool plant the milk is physically received will continue to be accountable for it under the order and responsible for payments to producers, either directly or through their cooperative association authorized to collect such payments, at the uniform price. For milk for which the cooperative association is the handler, the operator of the pool plant at which it is received will be obligated to pay the cooperative association the applicable class prices for such milk.

The qualification of a cooperative association to become a handler with respect to farm bulk tank milk involves consideration of the allocation of shrinkage incurred with regard to such milk. Under the present terms of the order, the first receiving handler of the milk is entitled to the shrinkage incurred up to the limit of 2 percent of the skim milk and butterfat in such milk. When the operator of the pool plant which physically receives the milk is the handler and accounts for the milk on the basis of the farm determined weights and samples for butterfat tests, the shrinkage is allocated to such receiving handler. However, when such conditions do not exist, and the cooperative association becomes a handler for such milk, some equitable division of the 2 percent permitted should be established between the cooperative association for shrinkage incurred between the farm and plant and shrinkage incurred by the handler who processes the milk. Because of limited experience, the cooperative association was unable to establish the amount of shrinkage incurred in bulk tank handling of milk between the farm and the plant. Under generally similar conditions in other Federal order markets, an allowance of one-half of one per cent has been used to accommodate shrinkage losses incurred in performing receiving station functions and up to one and one-half percent to accommodate shrinkage losses incurred at the distributing plant.

Pending further information based on actual operations in the market, it is concluded that the cooperative association with respect to farm bulk tank milk, for which it elects to become the handler, should be permitted the allowable shrinkage up to one-half of one percent and the processing plant shrinkage up to one and one-half percent of the skim milk and butterfat in such milk. With respect to milk so handled and for which the cooperative association is not the handler, the operator of the plant at which the milk is received would be obligated to account to producers at the reported farm weights. Thus, the cooperative association in such instances would incur no loss and the plant of receipt should be permitted the entire shrinkage on such milk up to a maximum of 2 percent.

3. The location differentials to handlers and producers should be reduced.

The proponent producers' association and a handler testified in favor of reducing the location differentials. Two handlers offered testimony in opposition thereto; they also contended that location differentials should apply only to supply plants and not to distributing plants.

The purpose of location differentials is to establish the value of milk for use as Class I products at various locations in relation to some basing point, which is usually the central market for such milk. The milk delivered by farmers di-

rectly to a plant in or near the central market is worth more to the handler than milk which is received from farmers at a plant located many miles from the market. This is because from the more distant plant the handler must incur an additional cost of transporting that milk into the central or deficit area of the market. Additional cost of hauling is involved whether the milk is transported in bulk or in packaged form. Thus, the value of the milk delivered to plants away from the central market, or deficit area basing point, is reduced by a price differential approximating the cost of transporting the milk from such plants to the central and deficit area of the market. The producer's price for milk delivered to plant at such distant points in turn is reduced by a like differential to compensate for the cost of hauling the milk from such points to the central, or deficit, market area.

A handler with a distributing plant at Amarillo, Texas, argued that location differentials should not apply to milk of a pool distributing plant located at Elk City, Oklahoma. He contended that to allow the Elk City handler a location differential on Class I milk places handlers whose plants are in Amarillo at a competitive disadvantage in the distribution of milk in areas to the east of Amarillo. It is clear that a handler with a plant at Amarillo has a location disadvantage with respect to his sales of milk in areas to the east and northeast of his plant in competition with a handler whose plant is located in that direction from Amarillo toward the areas of surplus milk production where milk prices would be expected to be lower. Whether it is profitable for a handler with a plant in Amarillo to extend his sales into territories in the direction of surplus milk producing areas where the value of milk is lower, despite such disadvantage, is a matter of his own decision. In cases of this kind, handlers sometimes continue their sales even though they have an apparent location disadvantage, because of other offsetting factors such as the decreased unit costs associated with increases in volume handled in their plants. The handler, however, who moves his fluid milk products in the direction of the central or deficit market area in packaged form should not be penalized to accommodate a handler who moves milk counter to the general movement of milk on an economic basis.

When the Texas Panhandle order was promulgated, there was only one supply plant located outside the marketing area which was definitely associated with the marketing area. This plant, located at Arnett, Oklahoma, received milk from farmers in the Oklahoma area. The milk was cooled and transported in tanks in the quantities needed to supply the handler's distributing plant in Amarillo, Texas. Prior to the issuance of the order, this handler had been taking a location adjustment of 75 cents per hundredweight for milk received from farmers at the Arnett plant as compared with the price paid for milk delivered directly to the plant in Amarillo. When the order became effective, the location differential applicable at the Arnett plant's location was reduced to 41.4 cents per hundredweight.

The location differential is intended to reflect only the cost of transporting milk to the central market. Because a handler chooses to perform some or all of the processing functions at a point some distance from the central market he cannot expect producers to assume a portion of these costs. Thus, the costs incurred in processing and bottling milk at Elk City or in assembling and cooling milk at Arnett should not be borne by producers. Likewise, the location differential should apply only to Class I milk. The value of Class II products at Elk City, Arnett or any other point in the milkshed is essentially the same as at Amarillo. The price the producer receives for his Class II milk should not be reduced because the handler maintains his manufacturing operations at a distance from the city market.

During the past several years, important changes have occurred in the handling and movement of milk from the farm to the market. The development of bulk tank handling of milk on the farm has greatly facilitated the movement of such milk greater distances directly to distributing plants in the market than was formerly possible. Dairymen supplying the Texas Panhandle market have been rapidly converting to the bulk tank method of handling milk on their farms. Most of the milk supply for the market now is assembled in bulk tank trucks and moved directly from the farms to the plants from which the milk is distributed.

The rate of the location differential should reflect the most efficient and most economic means of transporting milk. The cost of transporting milk in bulk tanks per hundred miles from distant alternative sources of supply is approximately 15 cents per hundredweight. This rate for location differentials to both handlers and producers appropriately reflects the cost of moving milk to the Texas Panhandle market under the most efficient and economic conditions.

It is concluded, therefore, that the rate per hundredweight applicable to the location differentials, pursuant to §§ 911.53 and 911.82, should be reduced from 35 cents to 15 cents for the 100-to-110-mile zone from Amarillo City Hall and from 1.6 cents to 1.5 cents for each additional 10 miles or fraction thereof applicable 110 miles and beyond.

4. The transfer provisions should be modified to permit the transfer or diversion of any fluid milk product to a nonpool plant located not more than 350 miles from the nearest point in the marketing area and receive the Class II milk classification if so utilized.

The present order provides that when skim milk or butterfat is transferred or diverted in the form of a fluid milk product to a nonpool plant located more than 300 miles from the nearest point in the marketing area, it should receive the Class I milk classification.

At present the North Texas Producers Association handles most of the diversions of milk to nonpool plants. Such milk is moved to a number of plants in Oklahoma and Texas, with a considerable quantity going to its plant at Muenster, Texas, nearly 300 miles from Amarillo.

The distance that fluid milk products were permitted to be transferred or diverted to nonpool plants and still be allowed to receive the Class II milk classification, adequately provided for the existing need when the order was issued. However, considerably more producer milk was used in Class II in 1958 than in either 1957 or 1956. A handler under the order now also has a plant in Denver, Colo., which is associated with and regulated under the Colorado Springs-Pueblo order. By increasing the distance that milk or cream may be transferred or diverted to a nonpool plant from 300 to 350 miles, and still receive the Class II classification, this handler could transfer cream to his plant in Denver for use in ice cream rather than make disposition in lower valued products such as butter and cheese. The Denver plant is subject to regular audits with respect to its utilization of milk under the Colorado Springs-Pueblo order.

To accommodate the above-changed conditions in the market, it is concluded that fluid milk products should be permitted to be transferred or diverted to nonpool plants located not more than 350 miles by the shortest highway distance from the nearest point in the marketing area without becoming automatically subject to the Class I classification.

5. The proposal to price Class II milk year-round on the basis of prices paid for ungraded milk by three nearby plants should be denied.

The pricing provisions presently in the order establish the price of Class II milk, for the months of March through June, on the price paid for ungraded milk by four nearby plants processing such milk and, for the months of July through February, on the higher of the price paid by such nearby plants or the basic formula butter-powder computed price.

For each month, July through February, since the inception of the order, the Class II price has been determined by the butter-powder formula price. During this eight-month period of 1958, the Class II price averaged 15 cents higher than it would have been if the nearby plants had been used as a basis for establishing the price. During these months reserve supplies of milk are small and are primarily used in the high valued Class II milk products such as ice cream and cottage cheese. The North Texas Producers Association, which handles more than one-half of the Class II milk on the market, has been able to dispose of reserve supplies of milk for manufacturing uses satisfactorily and without financial loss at the present order Class II price.

Official notice is taken of the determination made, in accordance with § 911.54 of the order, of the equivalent price for Class II milk, issued effective May 1, 1959 (24 F.R. 3564). The determination substituted three manufacturing plants pursuant to § 943.50(c) of the North Texas Order No. 43, as amended, as a basis for pricing Class II milk in place of the four plants listed in

§ 911.51(b)(1). This became necessary because two of the four plants have discontinued receiving ungraded milk and the small volume of ungraded milk handled by the remaining two plants does not provide an adequate basis for properly reflecting the value of milk used in the manufacture of dairy products.

In view of the above-described conditions, it is concluded that the proposal should be denied, but that the order determining an equivalent price for Class II milk should be continued in effect.

6. The order should be modified with respect to dates when a handler who receives milk from a cooperative association, which pays its own members, should furnish such association information on the volume of milk received from its members.

The present order makes provision for a handler to account to a cooperative association for milk received from its member producers. The dates specified, however, often make it impossible for a cooperative association to make its computations and payments to producers on dates specified in the order. For example, if a handler does not account to a cooperative association for his receipts of its members' milk until the 13th of the month, the date specified in the order when such accounting is due, and a week end falls immediately following the 13th, it is often impossible for the association to pay its producer members on the 15th, the date specified in the order for settlement for the previous month's milk.

The proponent producers' association testified that this condition could be alleviated if each handler who receives milk from a cooperative association which collects payments for its members furnished each such association, on or before the 20th of each month, information on the daily and total pounds of milk received from each of the association's member producers for the first 15 days of the month and, on or before the 5th day after the end of each month, such information for the 16th through the end of the month.

No testimony was offered in opposition to the proposal.

It is concluded that the proposal should be adopted.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activities specified in, a marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing agreement regulating the handling of milk in the Texas Panhandle Marketing Area", and "Order amending the order regulating the handling of milk in the Texas Panhandle Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of May 1959 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Texas Panhandle marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 20th day of July 1959.

TRUE D. MORSE,
Acting Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Texas Panhandle Marketing Area

§ 911.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Texas Panhandle marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to butterfat and skim milk contained in (1) producer milk, (2) other source milk at a pool plant which is allocated to Class I milk, and (3) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant not subject to the classification and pricing provisions of another Federal order.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Texas Panhandle marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

1. Amend § 911.6 to read as follows:

§ 911.6 Texas Panhandle marketing area.

"Texas Panhandle marketing area", hereinafter called the "marketing area", means all of the territory within the counties of Armstrong, Briscoe, Carson, Childress, Collingsworth, Dallas, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Moore, Oldham, Ochiltree, Potter, Randall, Roberts, Sherman, Swisher, and Wheeler, all in the State of Texas, and Beckham in the State of Oklahoma.

2. Amend § 911.12 to read as follows:

§ 911.12 Handler.

"Handler" means (a) any person in his capacity as the operator of one or more distributing or supply plants, (b) any cooperative association with respect to the milk of producers diverted by the association for its own account from a pool plant to a nonpool plant, or (c) any cooperative association with respect to the milk of its member producers which it causes to be delivered directly from the farm to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association, if the cooperative association notifies the market administrator and the handler to whom the milk is delivered in writing that it wishes to become the handler for such milk. The cooperative association shall be considered the handler for such bulk tank milk, effective the first day of the month following receipt of such notice, and milk so delivered shall be deemed to have been received by the cooperative association at a pool plant at the location of the pool plant to which it is delivered.

§ 911.41 [Amendment]

3. In § 911.41(b)(4), substitute a colon for the period and add the following proviso: "*Provided,* That with respect to milk for which a cooperative association is the handler pursuant to § 911.12(c), shrinkage incurred shall be allocated to the cooperative association in an amount not to exceed 0.5 percent of the total receipts of skim milk and butterfat in such milk and the pool plant to which it is delivered for processing shall be allocated shrinkage incurred in an amount not to exceed one and one-half percent of the total pounds of skim milk and butterfat in such milk."

§ 911.44 [Amendment]

4. In § 911.44 (c) and (d), substitute the figure "350" for the figure "300".

§ 911.53 [Amendment]

5. In § 911.53, under "Rate per hundredweight (cents)" substitute the figure "15.0" for "35.0" and the figure "1.5" for "1.6".

§ 911.80 [Amendment]

6. Amend § 911.80(c) by adding the following new subparagraph (3):

(3) Each handler who receives milk from a cooperative association which collects payments for its members pursuant to subparagraph (1) of this paragraph shall, on or before the 20th of each month, furnish such association information showing the daily and total pounds milk received from each of the association's member producers for the first fifteen days of such month and, on or before the fifth day after the end of each month, such information for the 16th through the end of such month.

§ 911.82 [Amendment]

7. In § 911.82, under "Rate per hundredweight (cents)", substitute the figure "15.0" for "35.0" and the figure "1.5" for "1.6".

[F.R. Doc. 59-6089; Filed, July 23, 1959; 8:46 a.m.]

[7 CFR Part 1023]

[Docket No. AO-295-A1]

MILK IN DES MOINES, IOWA, MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions to Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Des Moines, Iowa, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the fifth day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Des Moines, Iowa, on May 27, 1959, pursuant to notice thereof which was issued May 19, 1959 (24 F.R. 4150).

The material issue on the record of the hearing relates to the level of the Class I price.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The method of determining the Class I price should be amended to limit temporarily the effect of the Chicago supply-demand ratio on the Class I price in this market.

The Des Moines Class I price is fixed at 35 cents above that in the Chicago order and reflects the minus 24-cent supply-demand adjustment included in the Chicago Class I price. The minus 24-cent supply-demand adjustment, which is the maximum provided under the Chicago order, has been effective continuously since November 1958 and it may reasonably be expected to be applicable beyond the approaching months of seasonally low production.

The availability of supplies in relation to the demand for milk for fluid use for the Des Moines market is significantly different than that for Chicago and producers proposed discontinuance of the Chicago order supply-demand ratio as a factor in determining the Des Moines order Class I price. For the first 7 months of the Des Moines order, September 1958 through March 1959, the Class I sales as a percentage of producer receipts averaged 88 percent. The Chicago order supply-demand utilization percentage during the same period averaged 61 percent.

Approximately 80 percent of the producers under the order are members of the Des Moines Cooperative Dairy. During the first 3 months of 1959 they delivered to Des Moines order pool plants 55.8 million pounds of Grade A milk compared with 59.9 and 55.7 million pounds, respectively, delivered to these same plants during the corresponding periods of 1957 and 1958. Purchases by its buying handlers during each of these 3-month periods were 44.2, 45.0 and 47.6 million pounds, respectively, in 1957, 1958, and 1959. These purchases as a percentage of the receipts from dairy farmers were 73.8, 80.7 and 85.3 percent, respectively, during the first 3 months of 1957, 1958 and 1959.

The Des Moines Cooperative Dairy obtains supplemental supplies of milk from distant plants in Minnesota and Wisconsin during those months of the year when local production is not adequate to meet the needs of the market. The present rate of production in relation to the market's Class I requirements portends a heavy upsurge in the quantities of milk that will have to be imported during the remaining months of this year. Approximately 2 million pounds of milk were imported by producer associations from August through December 1958 to supplement the needs of handlers now regulated by the order and it is estimated that at least twice as much milk will need to be imported during the remainder of this year by the Des Moines Cooperative to meet handlers' Class I requirements. On a seasonally adjusted basis, producer milk for the Des Moines market is in shorter supply in relation to demand than that experienced by the market over a number of years.

Steps are being taken by the Des Moines Cooperative Dairy toward increasing the regular supply of milk for the market. The goal of the cooperative is to obtain a sufficient number of producers so that the market's needs will be fully supplied on a year-round basis. Current efforts by the producer association in this regard include newspaper advertising, working through truckers on their now established hauling routes to solicit new producers, and contacting ungraded dairy farmers in the milkshed to

attempt to get them to convert to Grade A operations.

Although producers and potential producers in the production area for the Des Moines market may now be assured of a Grade A market whether they are can or bulk tank shippers, the time is rapidly approaching when all major distributors on the market will receive milk from bulk tank shippers only. In recognition of this, the Des Moines Cooperative Dairy has embarked on a program of converting its producer members from can to bulk tank shippers within an 18-month period, and it may be reasonably expected that any ungraded dairy farmer who contemplates shifting to a Grade A operation in order to qualify to ship to the Des Moines market will install a bulk tank operation. The cost of such an installation will vary depending upon its size and the facilities for handling milk that the ungraded producer already has. Under any circumstance, however, his capital outlay to fix up for Grade A as a bulk tank shipper would be significantly greater than as a can shipper. Another deterrent to ungraded farms shifting to Grade A production for the Des Moines market is the relatively good level of prices for beef cattle. The present level of Des Moines order prices is not adequate to encourage such farmers to establish facilities for Grade A production on their farms.

Milk is shipped regularly from plants regulated by the North Central Iowa and Cedar Rapids-Iowa City orders to markets at great distances from these plants. It was suggested that the Des Moines Cooperative Dairy obtain its supplemental needs from the plants under these nearby orders or procure some of the producers now supplying North Central Iowa and Cedar Rapids-Iowa City handlers as direct delivery shippers to Des Moines. In this regard it was pointed out that the milk shipped from the North Central Iowa and Cedar Rapids-Iowa City order plants to outside markets is sold generally on a year-round basis to these buyers and the price received from these outside markets is better than the Des Moines Cooperative Dairy could afford to pay for such milk on a yearly contract.

There is relatively little overlapping of the Des Moines production area with those in which are located the producers supplying North Central Iowa and Cedar Rapids-Iowa City pool plants. The Des Moines Cooperative Dairy's hauling routes extend as much as 120 miles from Des Moines and would have to be extended much farther if they were to take on Grade A producers now supplying these other nearby Federal order markets. The increased transportation that these producers would have to pay for their milk moving into the Des Moines market would be enough greater so as to nullify any gain that they might have in shifting markets. There has been no shifting of producers from the North Central Iowa and Cedar Rapids-Iowa City order markets to Des Moines handlers.

Better net prices for their milk from St. Louis and Kansas City order handlers have resulted in the transferring of some Des Moines order producers to these markets with the loss of others in prospect. A number of producers supplying handlers in Ottumwa have left the Des Moines order market to ship to handlers under the St. Louis order and other producers selling to Des Moines order regulated handlers in that vicinity contemplate shifting to St. Louis. Des Moines order producers, some of whose farms are within 10 miles of Des Moines, have shown an interest in shipping to the Kansas City market and have been meeting with buyers on that market in this regard.

The prices under these other orders are enough better than Des Moines to stand the extra transportation costs and enable the producers to be ahead pricewise. In fact, a load of milk produced on a farm in Meservey, Iowa, which is in the vicinity of Mason City, is moved regularly to the Kansas City plant of a handler with whose representative Des Moines order producers have discussed selling their milk. The tank truck from Meservey passes through Des Moines on its way to Kansas City.

The Des Moines market is at a disadvantage pricewise with the markets for which it must compete for supply. The monthly prices computed pursuant to the Des Moines order Class I price formula averaged $4.07 for 1958. During the same period the Class I price under the St. Louis, Kansas City and Omaha-Lincoln-Council Bluffs orders for 3.5 percent milk averaged 23, 37, and 35 cents, respectively, above this; and for the first 4 months of 1959 the Class I price for these markets averaged 25, 50, and 53 cents above that for De Moines. Of the other nearby regulated markets, North Central Iowa and Cedar Rapids-Iowa City, the Class I price is directly related to the Chicago Class I price, as is Des Moines. In each month the Class I price under these orders is 20 cents less than that for Des Moines for milk delivered in the base zone (Polk County) and 10 cents less than that for milk delivered to Des Moines order plants outside the base zone.

The pricing provisions of the Des Moines order became effective October 1, 1958. The Des Moines uniform price for the period October 1958 to April 1959 averaged $3.88 for milk received at plants in the base zone and $3.78 for milk received at other Des Moines order plants. The comparable uniform prices under the nearby Federal orders for the same period for 3.5 percent milk averaged $4.25 for St. Louis, $4.19 for Kansas City, $4.35 for Omaha-Lincoln-Council Bluffs, $3.80 for North Central Iowa and $3.74 for Cedar Rapids-Iowa City. These prices are for milk delivered at plants in the specified maketing area at which no location adjustment is applicable.

Because the Des Moines order has been in operation less than a year there are not yet available sufficient statistical data on which to establish a separate supply-demand formula to replace the effect of the Chicago supply-demand factor in the Des Moines Class I price. In view of this, it would not be practicable to make any permanent changes in the Des Moines order Class I pricing provisions at this time. Consideration may more appropriately be given to this matter at such time as statistical data for at least a full year of operation of the Des Moines order are available.

A number of producers on the market must currently decide whether to convert to a bulk tank operation on their farms or go out of the Grade A milk business. Ungraded shippers need to have greater incentive than is currently available to fix up for Grade A production for the Des Moines market. With respect to those Grade A producers supplying nearby markets, a price incentive which warrants the additional transportation costs to ship the greater distance to Des Moines handlers is needed to attract them to the Des Moines market.

To give appropriate consideration to the various factors that are causing a continuous decline in the supply for the Des Moines market and to provide some encouragement to obtaining the additional supply needed on the market, the effect of the Chicago order supply-demand adjuster on the Des Moines Class I price through April 30, 1960 should be limited to 10 cents. This would result in an average monthly increase of approximately 11 cents in the uniform price. Based on the level of such prices since the inception of the Des Moines order, the comparable uniform prices under the St. Louis, Kansas City, and Omaha-Lincoln-Council Bluffs orders, would average 26, 20, and 36 cents above and those under the North Central Iowa and Cedar Rapids-Iowa City orders 19 and 25 cents below that for Des Moines after giving consideration to the change herein recommended. This price level should provide some incentive to assure the Des Moines market of an adequate supply of milk during the approaching period of seasonally low production.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the

price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Des Moines, Iowa, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

Delete § 1023.50(a) and substitute therefor the following:

(a) *Class I milk price.* The Class I milk price shall be the price for Class I milk pursuant to Part 941 (Chicago) of this chapter, plus 35 cents: *Provided,* That through April 30, 1960, the effect on the price pursuant to this paragraph of the supply and demand ratio as contained in § 941.52(a)(1) of this chapter shall be limited to 10 cents: *And provided further,* That for milk received from approved dairy farmers at an approved plant outside the base zone the price otherwise applicable pursuant to this paragraph shall be reduced 10 cents.

Issued at Washington, D.C., this 21st day of July 1959.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 59-6105; Filed, July 23, 1959; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition for Issuance of Regulation Establishing Conditions Under Which Polypropylene May Be Present in Food

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), the following notice is issued:

A petition has been filed by Hercules Powder Company, Wilmington, Delaware, proposing that polypropylene be permitted in food when its presence therein results from its transfer from materials used in packing, processing, packaging, transporting, or holding such food and in which isotactic polypropylene having the following specifications functions as the basic resin:

1. Its reduced specific viscosity is 2.5 to 9.0.

2. It is completely soluble in decahydronaphthalene at 160° C., with a maximum soluble fraction of 8 percent after cooling to 25° C.

3. It contains no components that transfer to food at a toxicologically significant level, or that are not generally recognized as safe, or that are not permitted by a regulation issued pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act.

The petitioner represents that it is unnecessary to establish by regulation the quantity of polypropylene that may be permitted to migrate to food, because the proposed regulation by its nature renders it impossible for the amount of transfer to exceed the safe level.

Dated: July 22, 1959.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 59-6133; Filed, July 23, 1959; 8:49 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[1959 Dept. Circular 1028]

4¾ PERCENT TREASURY NOTES OF SERIES C–1960

Offering of Notes

JULY 20, 1959.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for notes of the United States, designated 4¾ percent Treasury Notes of Series C–1960, in exchange for 1⅝ percent Treasury Certificates of Indebtedness of Series C–1959, maturing August 1, 1959, or 4 percent Treasury Notes of Series A–1961, on which notice of intention to redeem on August 1, 1959, was given in accordance with the terms of Department Circular No. 992. The amount of the offering under this circular will be limited to the amount of securities tendered in exchange and accepted. The books will be open only on July 20 through July 22 for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the eligible securities are offered the privilege of exchanging all or any part of such securities for 4¾ percent Treasury Notes of Series A–1964, which offering is set forth in Department Circular No. 1029, issued simultaneously with this circular.

II. *Description of notes.* 1. The notes will be dated August 1, 1959, and will bear interest from that date at the rate of 4¾ percent per annum, payable on a semiannual basis on February 15 and August 15, 1960. They will mature August 15, 1960, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. The notes will not be issued in registered form.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of notes applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for notes allotted hereunder must be made on or before August 3, 1959, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series C–1959, maturing August 1, 1959, or Treasury Notes of Series A–1961, on which notice of intention to redeem on August 1, 1959, was given in accordance with the terms of Department Circular No. 992, which will be accepted at par, and should accompany the

subscription. Coupons dated August 1, 1959, on the certificates and notes should be detached by holders and cashed when due. Coupons dated February 1, 1960, and all subsequent coupons must be attached to the notes of Series A–1961 when surrendered.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] ROBERT B. ANDERSON,
Secretary of the Treasury.

[F.R. Doc. 59–6090; Filed, July 23, 1959; 8:46 a.m.]

[1959 Dept. Circular 1029]

4¾ PERCENT TREASURY NOTES OF SERIES A–1964

Offering of Notes

JULY 20, 1959.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for notes of the United States, designated 4¾ percent Treasury Notes of Series A–1964, in exchange for 1⅝ percent Treasury Certificates of Indebtedness of Series C–1959, maturing August 1, 1959, or 4 percent Treasury Notes of Series A–1961, on which notice of intention to redeem on August 1, 1959, was given in accordance with the terms of Department Circular No. 992. Interest will be adjusted on the securities to be exchanged as of July 20, 1959, as provided in Section IV, payment, hereof. The amount of the offering under this circular will be limited to the amount of securities tendered in exchange and accepted. The books will be open only on July 20 through July 22 for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the eligible securities are offered the privilege of exchanging all or any part of such securities for 4¾ percent Treasury Notes of Series C–1960, which offering is set forth in Department Circular No. 1028, issued simultaneously with this circular.

II. *Description of notes.* 1. The notes will be dated July 20, 1959, and will bear interest from that date at the rate of 4¾ percent per annum, payable on a semi-annual basis on November 15, 1959, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature May 15, 1964, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. The notes will not be issued in registered form.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of notes applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for notes allotted hereunder must be made on or before August 3, 1959, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series C–1959, maturing August 1, 1959, or Treasury Notes of Series A–1961, on which notice of intention to redeem on August 1, 1959, was given in accordance with the terms of Department Circular No. 992, which will be accepted at par, and should accompany the subscription. Coupons dated August 1, 1959, on the certificates and notes, and all subsequent coupons on the notes, must be attached to the securities when surrendered, and accrued interest from February 1, 1959, to July 20, 1959 ($7.58633 per $1,000 on the certificates and $18.67403 per $1,000 on the notes) will be paid subscribers following acceptance of the securities to be exchanged.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] ROBERT B. ANDERSON,
Secretary of the Treasury.

[F.R. Doc. 59–6091; Filed, July 23, 1959; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service and Commodity Credit Corporation

AMENDMENT OF DELEGATIONS OF AUTHORITY WITH RESPECT TO CERTAIN ACTIVITIES

Whereas, delegations of authority have been heretofore published (21 F.R. 2957 and 22 F.R. 3643) to provide for the performance of certain functions relating to loan and purchase agreement transactions, farm storage facility loans, sales of Commodity Credit Corporation commodities locally, and execution of certain other documents in connection with Commodity Credit Corporation transactions; and

Whereas, it is desirable to make certain provisions with regard to liens and chattel mortgages which appear in the delegation of authority under the heading "Farm storage facility loan program", as heretofore published, clearly applicable to farm storage commodity loans, as well as to farm storage facility loans;

Now, therefore, the heading "Farm storage facility loan program", which appears in the notice published May 3, 1956 (21 F.R. 2957), is hereby amended to read "Farm storage facility and commodity loan programs."

The action of any chairman or manager, as defined in said notice, which has been taken heretofore in connection with a farm storage commodity loan, is hereby ratified, if such action would have been authorized under this amendment.

Issued this 21st day of July 1959.

CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 59–6108; Filed, July 23, 1959; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[File 23–491]

ABOU HADID FRERES

Order Denying Export Privileges for an Indefinite Period

In the matter of Abou Hadid Freres, Rue Hamidie—Souk Nasrie—No. 49, Damascus, Syria; File 23–491.

There is pending an investigation concerning the truth of and the responsibility for making certain representations as to ultimate consumer and ultimate country of destination of 6,429 barrels of lubricating oil, valued at more than $200,000, for which an export license application was submitted to the Bureau of Foreign Commerce. The Director of the Investigation Staff, Bureau of Foreign Commerce, has applied for an order denying to Abou Hadid Freres all export privileges for an indefinite period because of their failure and refusal to respond to written interrogatories duly served on them. The application was made pursuant to § 382.15 of the Export Regulations (15 CFR, Ch. III, Subchapter B) and, in accordance with the practice thereunder, was referred to the Compliance Commissioner of the Bureau of Foreign Commerce who, after considering evidence in support thereof, has recommended that it be granted.

The evidence submitted in support of the application shows that there is reason to believe that false representations as to ultimate consumer and ultimate destination were made in an application for a validated export license to export said 6,429 barrels of lubricating oil from the United States to an alleged purchaser in Syria.

Relevant and material interrogatories concerning the part played by the respondents in the proposed transaction and their knowledge of the facts involved therein were duly served on them, but they have failed and omitted to answer the same and have failed to give any satisfactory or reasonable explanation for their failure so to do. Such failure and omission to answer the interrogatories has impaired and impeded the investigation by the Bureau of Foreign Commerce in its efforts to ascertain whether, in fact, false representations were made and, if such false representations were made, what persons were responsible therefor and their purpose.

Having concluded that this order is reasonable and necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended: *It is hereby ordered:*

I. All outstanding validated export licenses in which the respondents appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation;

II. The respondents, their successors or assigns, partners, directors, representatives, agents, and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form, or capacity in any past, present, or future exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, such participation shall include and prohibit said respondents' and such other persons' and firms' participation (a) as parties or as representatives of a party to any validated export license application; (b) in the using of any export control document; (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities or technical data in whole or in part exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States;

III. This denial of export privileges shall apply not only to the respondents, but also to any person, firm, corporation, or business organization with which they now or hereafter may be related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith;

IV. This order shall remain in effect until the respondents satisfactorily answer or furnish written information or documents in response to the interrogatories heretofore served on them or give adequate reason for their failure or refusal to respond, except insofar as it may be amended or modified hereafter in accordance with the Export Regulations;

V. No person, firm, corporation, or other business organization, within the United States or elsewhere (whether or not engaged in trade relating to exports from the United States), on behalf of or in any association with the respondents or any related party, without prior disclosure of the facts to and specific authorization from the Bureau of Foreign Commerce, shall directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities or technical data from the United States, or (b) order, receive, buy, sell, deliver, use, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a re-exportation of any commodity exported from the United States. Nor shall any person do any of the foregoing acts with respect to any exportation in which respondents or any related party may have any interest or obtain any benefit of any kind or nature, direct or indirect.

VI. In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondents may move, at any time prior to the cancellation or termination hereof, to vacate or modify this indefinite denial order by filing an appropriate application therefor, supported by evidence, with the Compliance Commissioner, and they may request oral hearing thereon, which, if requested, will be held before the Compliance Commissioner at Washington, D.C. at the earliest convenient date.

Dated: July 21, 1959.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F.R. Doc. 59-6093; Filed, July 23, 1959; 8:46 a.m.]

Bureau of Public Roads

MATERIALS OF FOREIGN ORIGIN IN FEDERAL-AID HIGHWAY WORK

Conditions Under Which Restrictions May be Placed on the Use of Such Materials

APRIL 23, 1959.

Restrictions upon materials of foreign origin in Federal-aid highway work may be imposed by State highway departments provided such restrictions do not limit the use of such materials to any greater extent than is permitted for Federal construction work under the so-called Buy-American Act (41 United States Code 10a–d) and Executive Order 10582, dated December 17, 1954. The Buy-American Act, in substance, prescribes certain preferences for domestic materials, subject to considerations of reasonableness of price and the public interest. Executive Order No. 10582 is designed to effectuate uniformity in the application of the Buy-American Act and provides methods for determining the reasonableness of the price of domestic materials in relation to the bid or offered price of materials of foreign origin.

Public Roads will not interpose objection to restrictions upon materials of foreign origin (otherwise meeting approved technical specifications) in Federal-aid highway work that are no more stringent than the restrictions applied by Federal agencies in Federal construction work under such Act and Executive Order. Such restrictions, however, may be imposed only in conformity with the following requirements:

1. The contract specifications or other contract or bidding documents shall clearly inform bidders of the restrictions and identify the particular materials or articles subject to the restrictions;

2. The restrictions may be imposed only upon a material or article that is set forth in the bid or proposal form as a bid item for the furnishing of such material or article (but not including its incorporation in the project) for which a separate bid price is required;

3. If any bidder intends to provide a material or article of foreign origin under any such bid item, he shall be required to indicate this fact in his bid, and he shall not be permitted to furnish such foreign article or material unless he so indicates;

4. The bid or offered price for any such bid item of any bidder offering a material or article of foreign origin thereunder shall be required to include applicable duty and all costs incurred after arrival in the United States, including costs of delivery of the material or article to the place specified in the contract documents;

5. It shall be provided in the bidding documents that for the purpose of comparing bids the total bid price on the contract submitted by any bidder offering a material or article of foreign origin in conformity with the requirements herein shall be increased by an amount

equal to six percent of the bid or offered price for such material or article; and

6. The contract amount of any contract awarded as provided in the preceding paragraph shall be based upon the bid as submitted, without regard to such differential.

Restrictions presently imposed by State highway departments should be carefully reviewed and, if necessary, revised to conform with the requirements hereof to avoid jeopardizing Federal participation in the projects involved. Public Roads will not approve plans, specifications or other contract document or contract award which is inconsistent with this memorandum.

This memorandum does not apply to State highway departments that do not impose or contemplate imposing in Federal-aid highway work, restrictions upon materials of foreign origin otherwise meeting technical specifications.

The requirements of this memorandum shall become effective only as to any contracts for Federal-aid highway work for which bids are initially advertised or invited on and after July 1, 1959.

A policy and procedure memorandum on this subject will be issued at a later date.

JUNE 2, 1959.

Circular Memorandum issued by me under date of April 23, 1959, pertaining to the above subject is amended by striking the effective date "July 1, 1959" in the next to the last paragraph and substituting therefore the date "January 1, 1960". This change is for the purpose of affording additional time to State highway departments and industry to make such adjustments as may be necessary by reason of the requirements of the Circular Memorandum. (Sec. 315, 72 Stat. 915; 23 U.S.C. 315; 23 CFR 1.22.)

B. D. TALLAMY,
Federal Highway Administrator.

[F.R. Doc. 59-6004; Filed, July 23, 1959; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 10569]

AIR INDIA INTERNATIONAL

Notice of Hearing

In the matter of the application of Air-India International for the issuance of a foreign air carrier permit under section 402 of the Federal Aviation Act of 1958, authorizing it to engage in foreign air transportation as a common carrier of passengers, property and mail, in scheduled flights on a route between Bombay, India, and New York, New York, via various intermediate points.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that a hearing in the above-entitled matter is assigned to be held on July 30, 1959, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner John A. Cannon.

Dated at Washington, D.C., July 20, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-6094; Filed, July 23, 1959; 8:46 a.m.]

[Docket No. 7263]

PITTSBURGH-SYRACUSE SERVICE CASE

Notice of Hearing

In the matter of the proceeding known as the Reopened Northeastern States Area Investigation.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that a hearing in the above-entitled proceeding is assigned to be held on October 6, 1959, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner John A. Cannon.

Dated at Washington, D.C., July 20, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-6095; Filed, July 23, 1959; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12940; FCC 59M-924]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Scheduling Hearing

In the matter of American Telephone and Telegraph Company, Docket No. 12940; regulations relating to connections of Telephone Company facilities with certain facilities of customers.

It is ordered, This 20th day of July 1959, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 7, 1959, in Washington, D.C.

Released: July 20, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6097; Filed, July. 23, 1959; 8:47 a.m.]

[Docket No. 12825 etc.; FCC 59-705]

BINDER-CARTER-DURHAM, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Binder-Carter-Durham, Inc., Lansing, Michigan, Docket No. 12825, File No. BP-11565; requests 1010 kc, 250 w, DA-Day; Herbert T. Graham, Lansing, Michigan, Docket No. 12826, File No. BP-12526; requests 1010 kc, 500 w, DA-Day, Triad Television Corporation, Lansing, Michigan, Docket No. 12942, File No. BP-12980; requests 1010 kc, 500 w, DA-Day, for construction permits for standard broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of July 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing that by Order adopted April 8, 1958, and released on April 15, 1959, the Commission designated for hearing in a consolidated proceeding, the above-captioned applications of Binder-Carter-Durham, Inc. and Herbert T. Graham; that the application of Triad Television Corporation was filed on April 7, 1959 and is, therefore, entitled to be consolidated in the said hearing, pursuant to § 1.106 of the Commission Rules; and

It further appearing that except as indicated by the issues specified below, Binder-Carter-Durham, Inc., Herbert T. Graham, and Triad Television Corporation, are legally, technically, financially, and otherwise qualified to construct and operate their instant proposals; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated June 19, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that Triad Television Corporation filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant without hearing of the said application; and in which the applicant stated that it would appear at a hearing on the instant applications; and

It further appearing that after consideration of the foregoing and the applicant's reply the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the application of Triad Television Corporation is consolidated for hearing in the proceeding in Docket Nos. 12825 and 12826 at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would be expected to receive primary service from the proposed operations and the availability of other

primary service to such areas and populations.

2. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced under the foregoing issue and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

3. To determine, in the light of the evidence adduced under the foregoing issues, which, if any, of the proposals should be granted.

It is further ordered, That this order shall supersede, with respect to the issues only, the Commission's Order of April 8, 1959, designating for hearing the first two above-captioned applications.

It is further ordered, That to avail themselves of the opportunity to be heard, Triad Television Corporation, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 21, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6098; Filed, July 23, 1959; 8:47 a.m.]

[Docket No. 12823; FCC 59M-928]

CRAIN'S GARAGE

Order Continuing Hearing

In the matter of James L. Houston, d/b as Crain's Garage, P.O. Box 1055, Marietta, Georgia, Docket No. 12823, order to show cause why there should not be revoked the license for Automobile Emergency Radio Station KIM-855.

Upon the Hearing Examiner's own motion, since there is a pleading pending before the Chief Hearing Examiner for consideration and action. *It is ordered,* This 21st day of July 1959, that the hearing in this proceeding now scheduled for July 22, 1959, be, and the same is hereby, continued without date.

Released: July 21, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6099; Filed, July 23, 1959; 8:47 a.m.]

[Docket No. 12941; FCC 59-701]

BROADCASTERS, OREG. LTD., AND GOSPEL BROADCASTING CO.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Stanley M. Goard, George W. Phillips, James L. Murray and Dolores E. Zabelle, d/d as Broadcasters, Oreg. Ltd., (assignor), and Gospel Broadcasting Company, (assignee), Docket No. 12941, File Nos. BAL-3454, BALH-370; for consent to the assignment of licenses of stations KPAM and KPFM, Portland, Oregon.

1. The Commission has before it for consideration (a) the "Protest To The Grant of The Assignment of License To Gospel Broadcasting Company", filed on June 19, 1959 pursuant to section 309(c) of the Communications Act of 1934, as amended, by John W. Davis, directed against the Commission's action of May 20, 1959, granting without hearing the above-entitled application (b) an "Opposition To 'Protest To The Grant of The Assignment of License To Gospel Broadcasting Company'" filed by the applicants herein on June 29, 1959; and (c) a "Reply" filed on July 7, 1959 by the protestant, John W. Davis, in answer to the "Opposition" filed by the applicant, Gospel Broadcasting Company, on June 29, 1959.

2. The protestant, John W. Davis, is the licensee of Station KPDQ, Portland, Oregon, which operates on a frequency of 800 kc with power of 1000 watts, daytime only. The above-entitled application requests Commission consent to the assignment of the licenses of Stations KPAM and KPFM, Portland, Oregon, from Stanley M. Goard, et al, d/b as Broadcasters, Oreg., Ltd., to Gospel Broadcasting Company (hereinafter referred to as Gospel or assignee corporation). Commission records indicate that F. Demcy Mylar, a Baptist minister, is the President, General Manager, and principal shareholder (45 percent) of the proposed assignee corporation, that he is a 50 percent owner of Station KRWC, Forest Grove, Oregon, and 50 percent owner of the applicant for a new standard broadcast station in Caldwell, Idaho. Subsequent to the Commission's grant of the above-entitled application and prior to the filing of the protest herein, the parties to the application consummated the assignment agreement.

3. In said protest, protestant alleges, in substance, that he is the licensee of Station KPDQ, Portland, Oregon, which "broadcasts religious programs and sacred music and news exclusively"[1] to the Portland area, that he is in direct competition with Station KPAM for advertising; that he has suffered, and will in the future suffer, economic injury as a result of the grant of the above-entitled application because the changed ownership and realistic control of Stations KPAM and KPFM will enable these stations to compete more effectively against KPDQ; that therefore he is a "party in interest" under section 309(c); that Mr. Mylar's interests in Stations KPAM and KRWC "are substantial and there can be little doubt that he actually controls the operation of both stations not only as part owner but also as general manager"; that the two stations overlap in their 2 mv/m and 0.5 mv/m contours in violation of the "duopoly" rule of the Commission, section 3.35; that specifically, the KPAM 2 mv/m contour overlaps 35 percent of the KRWC 2 mv/m contour, and the KRWC 2 mv/m contour overlaps 15.4 percent of the KPAM 2 mv/m contour; that the KPAM 0.5 mv/m contour overlaps 84 percent of the KRWC 0.5 mv/m contour and that the KRWC 0.5 mv/m contour overlaps 35.3 percent of the KPAM 0.5 mv/m contour.

4. Protestant further alleges that the proposed program schedule of KPAM is substantially the same as that of KRWC, and in view of the overlap of the two stations, such programming would not be in the public interest; that the proposed programming of Station KPAM is identical with that proposed by Mr. Mylar at the time he purchased his interest in KRWC (BAL-3137), the same as the program proposal made in the application to move KRWC to Beaverton (BP-12,906), and the same as the program proposal made in the application of Christian Broadcasting Company (in which Mr. Mylar has a 50% interest) for a new station at Caldwell, Idaho (BP-12,813); that since a program schedule in one community is not likely to serve the public need in two other communities, the proposed programming in the present application "was obviously not formulated with the intention or the purpose of serving Portland;" that in view of the above programming duplication there is serious doubt as to whether the assignment of license of Station KPAM is in the public interest; that the duplication of programming of KPAM and KRWC is further aggravated by the fact that KPFM duplicates the entire daytime schedule of KPAM which will result in "three stations, each substantially overlapping the other" presenting substantially the same programs which is not in the public interest; that the programs actually now being presented by KPAM have little or no relationship to the program schedule as proposed in the assignment application, raising doubts as to whether the applicant had any intention to carry out its program proposal; that the Portland area is already

[1] Commission records (BR-1611; dated January 30, 1957) indicate that Station KPDQ allots 13.3% of its composite program week to religious programs; 77.7% to entertainment; 7.5% to news; and 1.5% to public service.

adequately serviced by religious programming by protestant's station (KPDQ) and station KWJJ, both in Portland, and every other station serving the market; that the addition of more religious programming through KPAM, especially where it duplicates the programs of KRWC would not appear to be in the public interest; that prior to the assignment to Gospel, KPAM and KPFM specialized in classical music programming; and that since no other station presents such programming in the Portland area during daytime hours, the loss of this service is against the interests of the community.

5. Protestant further alleges, "upon information and belief," that the applicant has gained an economic advantage by offering free time on Station KRWC to those persons programming or advertising on KPAM and KPFM, or by offering a combination rate for the three stations which is often lower than KPDQ can afford to charge for time on that station alone, and that as a result, KPDQ has lost two accounts to applicant and may be in danger of losing more in the future; that this practice was one of the evils that Section 3.35 of the Commission's rules was intended to cure; that "information coming to the attention of the protestant" indicates that applicant falsified its application to the Commission by stating that it had $50,000.00 on deposit in the First National Bank of Portland, Oregon when in fact it did not have it; that "a serious question arises as to just what source of funds it was that Gospel Broadcasting Company used to finance the purchase of the stations;" that although the application contained a balance sheet of the applicant corporation which showed that there were loans outstanding from stockholders in the amount of $35,250.00, this information was not submitted in another part of the application, viz., paragraph 4, section III, which requires it; that although the applicant indicated in Part IV of the application that no program time on KPAM would be allotted to advertising or promoting any business or activity in which it has a direct or indirect interest, three of its minor shareholders, namely Messrs. Berg (2 percent), Mitchell (2 percent) and Taylor (6 percent), are in fact so advertising their businesses or activities over KPAM; that Mr. Mylar failed to reveal the full extent of his business interests by not reporting that he is the president and editor of a monthly newspaper, "The Country Preacher" and by not reporting his interest in the Christian Broadcasting Company; [2] and that although Mr. Myler has had an interest in the four applications filed with the Commission, he has never furnished the Commission with a personal balance sheet or an income statement.[3]

6. In its prayer for relief, protestant requests that the above-entitled application be designated for hearing upon issues specified by it; that the effectiveness of the protested grant be stayed; and that there be a return of the license of Stations KPAM and KPFM to its former owners, Broadcasters, Oregon, Ltd.

7. In its opposition, Gospel concedes that protestant may have standing to file a protest under section 309(c) of the Communications Act, as amended. With respect to the facts and matters complained of in the protest, it alleges, in substance, that "On or about April 1, 1959, Station KPDQ, overnight, assumed the role of a religious station;" that it had for many years been "a record station commonly identified as a 'top-twenty rock and roll station' "; [4] that on or about April 1, 1959 "Station KPDQ undertook to actively solicit religious programs and advertising carried on Station KRWC, Forest Grove, Oregon"; that Mr. Davis, licensee of Station KPDQ, and protestant herein, publicly stated in the solicitation of KRWC advertisers that it was his intention to force Radio Station KRWC, Forest Grove, out of business; that the charges made by Protestant are "either totally without legal significance or absolutely false"; and that Protestant's claim to an evidentiary hearing is based upon entirely speculative and conjectural assumptions and unwarranted conclusions.

8. The opposition further alleges that in regards to the overlap situation of Stations KPAM and KRWC, the 2 mv/m contour of KPAM does not cover the city of Forest Grove (KRWC) and that the 2 mv/m contour of KRWC "falls far short of covering the city of Portland."; that "no less than ten stations provide primary service to 100 percent of the area of overlap between the 2 mv/m contours of Stations KPAM and KRWC."; [5] that it is common practice in the Portland area for religious advertisers to use the facilities of one or more Portland radio stations *and* the facilities of KRWC in Forest Grove; that although some of the programs released on KPAM, Portland, will also be released, although at a different time, on KRWC, Forest Grove, this situation is no radical departure from a condition that has long existed in the general area.

9. The opposition admits that the programming on station KPAM will be predominantly religious in nature, asserts that the applicant will adhere to its proposed programming as represented to the Commission, and contends that the allegation of Protestant that the programs actually presented on KPAM are at variance with the proposed programming is based upon a brief 20-day survey of applicant's KPAM operation, and that the applicant should be given a reasonable time "to get its house in order" before being subjected to criticism. The opposition also admits that after applicant assumed the operations of Stations KPAM and KPFM, numerous complaints were received from listeners because the stations had abandoned their 100 percent good music format and were devoting a portion of their time to religious programming, but it alleges that, as a result of these complaints, and in an effort to satisfy the listening public, stations KPAM and KPFM each now devote not less than four hours per day to so-called "good music."

10. The opposition denies that free-time is offered on Station KRWC to those persons advertising on KPAM and KPFM but admits that in two instances where programs are carried on both KPAM and KRWC there is no time charge made for the programs as carried on KRWC because prior to the time that Gospel acquired Station KPAM, KRWC had been supplying time, without charge, to these two accounts and "This policy has been continued by Station KRWC, without any inducement or pressures from Gospel.". It denies the Protestant's charge that it has effected a combination rate sale for Stations KPAM and KRWC, but admits that in some instances KRWC, in an effort to keep some of the religious accounts which had transferred to KPAM because they desired improved coverage in the Portland market, offered to continue the broadcasts at a rate less than had theretofore been charged for such accounts on KRWC. It asserts that Gospel did in fact, at the time it so stated to the Commission, have $50,000.00 on deposit in the First National Bank of Portland and attaches to its pleading a certification from said bank in support of this assertion. It contends that Gospel made full disclosures in its application regarding loans to the corporation; that no part of KRWC's income comes from solicited donations; that Mr. Mylar and his partner Dr. Kines are not delinquent in their payments to the former owner of KRWC, Mr. Schmidtke, from whom they acquired said station; that Mr. Mylar did not falsify the application of Gospel to the Commission in respect to his other business interests and his ownership interest in station KRWC; that he has a 50 percent partnership interest in said station along with Robert M. Kines, doing business as Christian Broadcasting Company; that the non-profit religious corporation known as Christian Broadcasting Company referred to in the protestant's allegations is inactive and has never engaged in any business of any kind; that Mr. Mylar was not guilty of withholding information from the Commission in failing to advise it of his interest in the "Country Preacher" because he resigned as president of the

[2] Commission records indicate the licensee of Station KRWC, Forest Grove, Oregon to be F. Demcy Mylar and Robert M. Kines d/b as Christian Broadcasting Co. and that the applicants for a new station at Caldwell, Idaho are F. Demcy Mylar and Harold Shaw d/b as Christian Broadcasting Company of Idaho.

[3] Commission records indicate that in all four applications Mr. Mylar's interest in the applicant has been that of a partner or a shareholder of a corp.

[4] Cf. footnote 1, supra.

[5] Engineering data submitted with the opposition states that in the areas where the respective contours overlap, primary service from a number of other radio stations is available, including: KEX, KOIN, KWJJ, KXL, KPDQ, KPOJ, KGW and KLIQ, all of Portland, Oregon; KGON, Oregon City, Oregon; KISN and KKEY, Vancouver, Washington and KUIK, Hillsboro, Oregon.

publishing corporation (Country Preacher, Inc., a non-profit, religious corporation) on January 17, 1959; that the "Country Preacher" was last published in February of 1959; that "since that time Mr. Mylar has merely attempted to keep the activity of the paper alive"; that he has no business interest or direct or indirect financial participation in this non-profit corporation; and that any participation in such non-profit religious corporations by the stockholders of Gospel "was no more a 'business activity or interest' than if they had been a director of the Heart Association or the March of Dimes." In his Reply, protestant, in substance, reaffirms the points raised in his protest.[6]

11. In view of the facts alleged in the protest that the protestant is the licensee of Station KPDQ, Portland, Oregon, where Station KPAM is located; that the two stations are in direct competition for advertising revenue; and that KPDQ has alleged that it suffered and will suffer economic injury as a direct result of the assignment of license of Station KPAM to Gospel Broadcasting Company, we find the protestant to be a "party in interest" within the meaning of section 309(c) of the Communications Act of 1934, as amended. Camden Radio, Inc. v. FCC 94 U.S. App. D.C., 312, 220 F. 2d 191; In re application of J. R. Meachem 12 Pike and Fischer RR 1427; FCC v. Sanders Brothers, 309 U.S. 470; In re General-Times Television Corporation, 13 Pike and Fischer RR 1049. We find further that the protestant has specified with particularity, within the meaning of section 309(c), the facts upon which he relies and which he contends show that the grant by the Commission was improperly made or otherwise would not be in the public interest. Accordingly, the above-entitled application will be designated for an evidentiary hearing. The issues presented by the petitioners have been consolidated and reframed without change in scope. However, we are not adopting any of said issues, and the burden of proof thereon, both in proving the facts alleged and in demonstrating their materiality and relevancy, will be on the protestant.

12. The protestant has also requested that the effective date of the grant be postponed until a decision is handed down after a hearing on the matter. Section 309(c) presents two tests controlling the question of when the Commission may authorize the applicant to utilize the facilities or authorization in question pending decision after hearing. The first is when the Commission can find that the "authorization involved is necessary to the maintenance or conduct of an existing service." Although the applicant in its opposition alleges generally that a stay of the Commission's grant "would greatly hinder and affect the ability of stations KPAM and KPFM to provide a needed service in the area in the public interests", no facts are presented to support this allegation. The inability of the assignor to resume control of the station has not been established. Therefore, cessation of the broadcast service of KPAM and KPFM has not been shown to be inevitable under the circumstances. The second test under section 309(c) is when the Commission can affirmatively find "for reasons set forth in the decision that the public interest requires that the grant remain in effect." The Commission does not believe that the facts before it permit such a finding. The change in the position of the parties was a voluntary one, effectuated with full knowledge that the grant remained subject to protest by any party in interest for a period of 30 days. Although the applicant contends that if a stay of the grant is effected it "would result in irreparable injury" both to the assignee and the assignor, no facts are presented to support such contention. In any event the parties involved were on notice that a change in their status quo within the 30-day period during which the grant is subject to protest might result in problems of inconvenience and expense. While we appreciate the extent to which private interests might be effected by a stay of our grant, we are of the view that such circumstances were not within the contemplation of Congress when it provided for a "public interest" finding by the Commission to support an avoidance of stay. In re Saunders, 16 Pike and Fischer RR 444; In re Mitchell Motors, 14 Pike and Fischer RR 85.

13. In light of the above: *It is ordered*, That, pursuant to section 309(c) of the Communications Act of 1934, as amended, effective immediately, the effective date of the grant of the above-entitled application is postponed pending final determination by the Commission in the hearing ordered below with respect to the protest herein; that said protest is granted to the extent provided for below and is denied in all other respects; and that the above-entitled application is designated for evidentiary hearing at the offices of the Commission in Washington, D.C., on the following issues:

(1) To determine whether a grant of the above-entitled application would be consistent with the provisions of § 3.35 of the Commission's rules and its policies promulgated thereunder.

(2) To determine whether the program service submitted by Gospel Broadcasting Company was proposed in good faith and is designed to meet the needs of the Portland, Oregon area.

(3) To determine whether Gospel Broadcasting Company is financially qualified to operate Stations KPAM and KPFM.

(4) To determine whether, in submitting the above-entitled application, Gospel Broadcasting Company withheld pertinent information from the Commission.

(5) To determine whether time on Stations KPAM and KPFM has been offered or sold in combination with Station KRWC.

(6) To determine, in light of the evidence adduced under the foregoing issues, whether the grant of the above-entitled application will serve the public interest, convenience or necessity.

14. *It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof shall be on the protestant.

15. *It is further ordered*, That the protestant and the Chief, Broadcast Bureau are hereby made parties to the proceeding herein and that:

(a) The hearing on the above issues is to commence at a time and place and before an Examiner to be specified in a susequent order; and

(b) The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

(c) The appearances by the parties intending to participate in the above hearing shall be filed not later than July 31, 1959.

16. *It is further ordered*, That within 30 days from the date of this order, the parties to the above-entitled application shall rescind the assignment of the licenses of Stations KPAM and KPFM and said licenses and the control and operation of said stations shall be returned to the assignor.

Adopted: July 15, 1959.

Released: July 21, 1959.

FEDERAL COMMUNICATIONS COMMISSION,[7]
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6100; Filed, July 23, 1959; 8:47 a.m.]

[Canadian List 136]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections in Assignments

JULY 10, 1959.

Notification under the provisions of Part III, Section 2 of the North American Regional Broadcasting Agreement. List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214–3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

[6] On July 13, 1959, a "Request for Waiver of § 1.13 of The Commission's Regulations and Acceptance of Additional Affidavit" was filed by Gospel and on July 14, 1959 a "Consent" to this request was filed by John W. Davis.

[7] Statement of Commissioner Bartley filed as part of original document.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		680 kilocycles				
CHLT	Sherbrooke, P.Q.	5 kw	DA-1	U	III	Change in call letters from CKTS.
		730 kilocycles				
CKLG	North Vancouver, B.C.	10 kw	DA-1	U	II	Now in operation with increased power and new frequency.
		810 kilocycles				
CFAX	Saanich, B.C.	1 kw	ND	D	II	Assignment of call letters.
		900 kilocycles				
CKTS	Sherbrooke, P.Q.	1 kw	DA-N	U	II	Change in call letters from CHLT.
		920 kilocycles				
CJCJ	Woodstock, N.B.	1 kw	DA-1	U	III	Assignment of call letters.
		1060 kilocycles				
CJLR	Sillery (Quebec), P.Q.	5 kw	DA-1	U	II	Do.
		1070 kilocycles				
CKLG	North Vancouver, B.C.	1 kw	DA-1	U	II	Delete assignment—vide 730 kc.
		1070 kilocycles				
New	Kamloops, B.C.	10 kw. D/1 kw. N.	DA-N	U	II	EIO 7-15-60.
		1090 kilocycles				
CHEC	Lethbridge, Alta.	5 kw	DA-2	U	II	Assignment of call letters.
		1110 kilocycles				
CFML	Cornwall, Ont.	1 kw	DA-D	D	II	Do.
		1230 kilocycles				
CHFC	Fort Churchill, Man.	0.25 kw	ND	U	IV	Immediately—increase in power from 100 watts.
CKMP	Midland, Ont.	0.25 kw	ND	U	IV	Assignment of call letters—Now in operation.
		1290 kilocycles				
CKSL	London, Ont.	10 kw. D/5 kw. N.	DA-2	U	III	EIO 7-15-60 (P.O. 1290 kc. 5 kw. DA-1).
		1320 kilocycles				
CKKW	Kitchener-Waterloo, Ont.	1 kw	DA-2	U	III	Assignment of call letters.
		1340 kilocycles				
New	Stettler, Alta.	0.25 kw	ND	U	IV	EIO 7-15-60.
		1460 kilocycles				
CJNB	North Battleford, Sask.	10 kw	DA-N	U	III	Now in operation with increased power.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6103; Filed, July 23, 1959; 8:47 a.m.]

[Docket Nos. 12943, 12944; FCC 59-706]

W. H. HANSEN AND GRABET, INC., RADIO ENTERPRISES

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of W. H. Hansen, Tucson, Arizona, Docket No. 12943, File No. BP-11126, requests 940 kc, 250 w, Day; Grabet, Inc., Radio Enterprises, Tucson, Arizona, Docket No. 12944, File No. BP-12539, requests 940 kc, 250 w, DA-1, U; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of July 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, W. H. Hansen is legally, technically, financially, and otherwise qualified to construct and operate his instant proposal; and Grabet, Inc., Radio Enterprises is legally, technically and otherwise qualified to operate its instant proposal, but, since it has submitted no detailed balance sheet to indicate that Richard D. Grand can meet his commitment to the proposal and since the equipment manufacturer's letter (Exhibit 2A) is a general recitation of terms available if credit is extended but does not indicate that credit has actually been extended, it cannot be found that said applicant is financially qualified to construct and operate its proposed station; and

It further appearing that the proposed operation of Grabet, Inc., Radio Enterprises may involve interference to Station XEQ, Class I-B assignment in Mexico, since a question obtains as to the reasonableness of the MEOV's specified by the applicant in the general directions of N. 116° E. and N. 156° E. in the vertical plane compared with those specified in the horizontal plane; and that, therefore, in the event the instant proposal is found to be in contravention of the United States/Mexican Agreement, 1957, and is favored in the hearing ordered below, it should be held without final action pursuant to the provisions of § 1.352 of the Commission rules, pending ratification of the United States/Mexican Agreement, 1957; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated March 20, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of either one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant without hearing of the said applications; and in which the applicants stated that they would appear at a hearing on the instant applications; and

It further appearing that after consideration of the foregoing, and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of Grabet, Inc., Radio Enterprises, would cause objectionable interference to Station XEQ, Mexico City, Mexico, in contravention of the provisions of the U.S./Mexican Agreement, 1957.

3. To determine whether Grabet, Inc., Radio Enterprises is financially qualified to construct and operate its proposed station.

4. To determine, on a comparative basis, which of the instant proposals would best serve the public interest, convenience and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That, if the proposal of Grabet, Inc., Radio Enterprises is found to be in contravention of the provisions of the U.S./Mexican Agreement, 1957, but is favored in the hearing proceeding, it will be held without final action pursuant to the provisions of § 1.352 of the Commission rules.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 21, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6101; Filed, July 23, 1959; 8:47 a.m.]

[Mexican List 216]

MEXICAN BROADCAST STATIONS

Changes, Proposed Changes, and Correction in Assignments

JUNE 12, 1959.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement: List of changes, proposed changes, and correction in assignments of Mexican Broadcast Stations modifying the appendix containing assignments of Mexican Broadcast Stations (Mimeograph 47214-6) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		620 kilocycles				
XEEF (change in location from Santiago Ixcuintla, Nayarit).	Tepic, Nayarit	0.5 kw D/0.25 kw N.	ND	U	IV	12-12-59
		690 kilocycles				
XEEO (correction in classification).	Monterrey, Nuevo Leon.	0.25 kw D/0.2 kw N.	ND	U	II	6-12-59
		760 kilocycles				
XECO (delete assignment)	Zapopan, Jalisco	0.5 kw	ND	D	II	6-12-59
		770 kilocycles				
XETG (change in call letters from XELM).	Lagos de Moreno, Jalisco.	0.15 kw	ND	D	IV	6-12-59
		790 kilocycles				
XEVA (new)	Villahermosa, Tabasco.	2 kw	ND	D	III	12-12-59
		1240 kilocycles				
XELM (change in call letters from XETG.)	Tuxtla Gutierrez, Chiapas.	1 kw D/0.25 kw N.	ND	U	IV	6-12-59
		1150 kilocycles				
XEGE (change in frequency from 1570 kc).	Mexicali, Baja California.	1 kw	ND	D	III	12-12-59
		1270 kilocycles				
XEKO (increase in power)	San Luis Rio Colorado, Sonora.	1 kw	ND	D	III	9-12-59
		1360 kilocycles				
XELS (assignment of call letters)	Manzanillo, Colima.	1 kw D/0.1 kw N.	ND	U	IV	6-12-59
		1380 kilocycles				
XEKV (change in call letters)	Villahermosa, Tabasco.	1 kw D/0.5 kw N.	ND	U	III-B	6-12-59
		1430 kilocycles				
XELY (new)	Morelia, Michoacan.	1 kw	ND	D	III	12-12-59
		1440 kilocycles				
XETZ (new)	Tequila, Jalisco	1 kw	ND	D	III	12-12-59
		1460 kilocycles				
XEET (new)	Etla, Oaxaca	1 kw D/0.15 kw N.	ND	U	IV	12-12-59
		1490 kilocycles				
XESK (new)	San Blas, Nayarit	0.25 kw	ND	U	IV	12-12-59
		1600 kilocycles				
XEZK (new)	Tepatitlan, Jalisco	0.25 kw	ND	U	IV	12-12-59

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6104; Filed, July 23, 1959; 8:47 a.m.]

[Docket No. 12695; FCC 59M-922]

RADIO MISSOURI CORP. (WAMV)

Order Continuing Hearing Conference

In re application of Radio Missouri Corporation (WAMV), East St. Louis, Illinois, Docket No. 12695, File No. BP-12193; for construction permit.

The Hearing Examiner having under consideration oral request of Radio Missouri Corporation for continuance of prehearing conference;

It appearing that counsel for all other participating parties have consented to immediate consideration and grant of the request;

It is ordered, This 20th day of July 1959, that the above request is granted; and the prehearing conference now scheduled for July 22, 1959 is continued until September 22, 1959, at 10:00 a.m.

Released: July 20, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6102; Filed, July 23, 1959; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2645]

F. L. JACOBS CO.

Order Summarily Suspending Trading

JULY 20, 1959.

I. The common stock, $1.00 par value, of F. L. Jacobs Co. is registered on the New York Stock Exchange and admitted to unlisted trading privileges on the Detroit Stock Exchange, national securities exchanges, and

II. The Commission on February 11, 1959 issued its order and notice of hearing under section 19(a)(2) of the Securities Exchange Act of 1934 to determine at a hearing beginning March 16, 1959, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of F. L. Jacobs Co. on the New York Stock Exchange and Detroit Stock Exchange for failure to comply with section 13 of the Act and the rules and regulations thereunder.

On July 10, 1959, the Commission issued its order summarily suspending trading of said securities on the exchanges pursuant to section 19(a)(4) of the Act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending July 20, 1959.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the New York Stock Exchange and Detroit Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the further opinion that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, trading in the stock of F. L. Jacobs Co. will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 240.15c2-2 (17 CFR 240.15c2-2) thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the New York Stock Exchange and Detroit Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 21, 1959, to July 30, 1959, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-6088; Filed, July 23, 1959; 8:45 a.m.]

FEDERAL POWER COMMISSION

PAN AMERICAN PETROLEUM CORP. ET AL.

Order for Hearing and Suspending Proposed Changes in Rates[1]

JULY 17, 1959.

In the matters of Pan American Petroleum Corporation, Docket No. G-18949; The British-American Oil Producing Company, Docket No. G-18950; Texas Hydrocarbon Company, Docket No. G-18951; Texas Gas Products Corporation (Operator) et al., Docket No. G-18952; Carter-Jones Drilling Company (Operator) et al., Docket No. G-18953.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for their sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser	Supplement agreement or notice of change dated—	Date tendered	Effective date unless suspended	Date suspended until—
G-18949	Pan American Petroleum Corp.	221	1	Panhandle Eastern Pipe Line Co.	6-15-59	6-19-59	[1] 8-1-59	1-1-60
G-18950	The British-American Oil Producing Co.	41	2	Colorado Interstate Gas Co.	12-12-58	6-22-59	[2] 7-23-59	7-24-59
G-18950	do	41	3	do	6-11-59	6-22-59	[2] 7-23-59	7-24-59
G-18951	Texas Hydrocarbon Co.	1	[3] 4	El Paso Natural Gas Co.	Undated	6-24-59	[2] 7-25-59	12-25-59
G-18952	Texas Gas Products Corp.	1	[4] 11	do	Undated	6-24-59	[2] 7-25-59	12-25-59
G-18953	Carter-Jones Drilling Co. (operator), et al.	3	7	Texas Eastern Transmission Corp.	6-12-59	6-22-59	[2] 7-23-59	12-23-59

[1] The stated effective date is that proposed by Pan American Petroleum Corporation.
[2] The stated effective date is the first day after expiration of the required thirty days' notice.
[3] Rate in effect subject to refund in Docket No. G-16889 (Supp. No. 3).
[4] Rate in effect subject to refund in Docket No. G-16888 (Supp. No. 10).

[1] This order does not provide for the consolidation for hearing or disposition of the separately docketed matters covered herein, nor should it be so construed.

In support of the proposed periodic rate increase, Pan American Petroleum Corporation (Pan American) cites the contract provisions and states that the increased price, which is just and reasonable, is a matter of contractual obligation resulting from bona fide arm's-length negotiations and denial thereof would be inequitable, unfair and confiscatory. Pan American states that the increased price is insufficient to offset the decline in the purchasing power of the dollar and increases in the cost of producing gas.

In support of the proposed redetermination rate increase, The British-American Oil Producing Company (British-American) cites the contract provisions and states that such provisions are common in long-term contracts in order to permit initial delivery at a low price during the time the buyer's unamortized capital investment is high and to permit seller to receive progressively higher returns contemporaneously with increases in costs. In addition, British-American states that the contract resulted from arm's-length bargaining as no affiliation exists between it and Colorado Interstate Gas Company.

In support of the proposed favored-nation increases, Texas Hydocarbon Company (Texas Hydrocarbon) and Texas Gas Products Corporation (Operator), et al. (Texas Gas) cite the contract favored-nation provisions, state that the increases are in accordance with such provisions and cite increased rates (in effect subject to refund) in the area which would serve to trigger such provisions.

Carter-Jones Drilling Company (Operator), et al. (Carter-Jones), in support of the proposed two-component rate increase, states that the contract resulted from arm's-length negotiations, and without provision for the periodic price escalations it would not have committed the gas for such a long term and that the increased price is not in excess of prices being paid under other contracts in the area. Carter-Jones states additionally that its costs of operation increase with the age of property and the inflationary trend and that the proposed price in view thereof is just and reasonable.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18

CFR Ch. I), public hearings be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, Supplement No. 1 to Pan American's FPC Gas Rate Schedule No. 221 is hereby suspended and the use thereof deferred until January 1, 1960; Supplements No. 2 and No. 3 to British-American's FPC Gas Rate Schedule No. 41 are hereby suspended and the use thereof deferred until July 24, 1959; Supplement No. 4 to Texas Hydrocarbon's FPC Gas Rate Schedule No. 1 is hereby suspended and the use thereof deferred until December 25, 1959; Supplement No. 11 to Texas Gas' FPC Gas Rate Schedule No. 1 is hereby suspended and the use thereof deferred until December 25, 1959; Supplement No. 7 to Carter-Jones' FPC Gas Rate Schedule No. 3 is hereby suspended and the use thereof deferred until December 23, 1959; each of the aforementioned supplements shall remain suspended until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by § 1.8 or 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37 (f)).

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-6085; Filed, July 23, 1959; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 155]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 21, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62319. By order of July 16, 1959, the Transfer Board approved the transfer to S & H Transfer, Inc., Gardner, Mass., of Certificate No. MC 27965, issued December 8, 1952, to Davis Transportation Company, Incorporated, West Acton, Mass., authorizing the transportation of: New furniture, from Concord and Acton, Mass., to points in Rhode Island, Connecticut, New Hampshire, and New York, and those in New Jersey within a specified territory; cotton webbing, from Concord, Mass, to New York, N. Y.; general commodities, excluding household goods, commodities in bulk, and other specified commodities, from New York, N. Y., to Boston and Lowell, Mass.; apples, from Concord and Acton, Mass., to New York, N.Y., and from Wolfeboro, N.H., to Concord, Mass.; and Household goods, as defined, between Concord, Mass., and points within 15 miles thereof, on the one hand, and, on the other, points in Connecticut, New Hampshire, New Jersey, New York, and Rhode Island. William L. Mobley, 1694 Main Street, Springfield 3, Mass., for applicants.

No. MC-FC 62384. By order of July 15, 1959, the Transfer Board approved the transfer to Kenneth R. Halstead, doing business as Halstead Trucking Service of Grinnell, Iowa, of Certificate No. MC 24987 issued September 14, 1953, in the name of Keith D. Halstead and Kenneth R. Halstead, a partnership, doing business as Halstead Bros. Trucking Co., Grinnell, Iowa, authorizing the transportation of livestock, over regular routes, from Grinnell, Iowa to Chicago, Ill., with service to and from intermediate and off-route points within 30 miles of Grinnell; farm machinery, agricultural implements and parts, binder twine, feed, livestock, paints, and hardware, over regular routes, from Chicago, Ill., to Grinnell, Iowa with service from the intermediate and off-route points of Forest Park, Moline, East Moline, Silvis, and Rock Island, Ill., restricted to the pickup of the specified commodities except livestock; farm machinery and agricultural implements and parts, over regular routes, from Canton, Ill., to Grinnell, Iowa, with no service to or from intermediate points; and hay loaders and hay harvesting tools and machines, over irregular routes, from Rock Falls, Ill., to Grinnell, Iowa, with no transportation for compensation on return. Charles M. Manly II, Grinnell, Iowa, for applicants.

No. MC-FC 62386. By order of July 15, 1959, the Transfer Board approved the transfer to A. J. Boyd, A Corporation, Oaklyn, New Jersey, of a certificate in No. MC 50111 issued on September 10, 1940, to Anthony John Boyd, Oaklyn, New Jersey, authorizing the transportation of general commodities, including household goods, as defined by the Commission, and commodities in bulk, between Camden, N.J., and Blue Anchor, N.J., serving specified intermediate and off-route points, restricted to traffic which is auxiliary to, or supplemental of, rail service of the Pennsylvania Reading Seashore Lines. Robert T. Healey, 201 North Sixty Street, Camden 2, New Jersey, for applicants.

No. MC-FC 62398. By order of July 16, 1959, the Transfer Board approved the transfer to Sockol's Express, Inc., 8 West Avenue, Stamford, Connecticut, of a certificate in No. MC 52620 issued July 2, 1956, to Arthur A. Sockol and Richard E. Sockol, a partnership, doing business as Sockol's Stamford-New York Express, 8 West Avenue, Stamford, Connecticut, authorizing the transportation of specified commodities, from, to, and between specified points in New York and Connecticut.

No. MC-FC 62354. By order of July 16, 1959, the Transfer Board approved the transfer to Grundy's Garage, Inc., Williamstown, Mass., of the operating rights in Certificate No. MC 114721, issued May 12, 1955, to Elmer G. Nobel, Gordon E. Noble and Raymond A. Noble, a Partnership, doing business as Grundy's Garage, authorizing the transportation, over irregular routes, of wrecked or otherwise disabled motor vehicles, between Williamstown, Mass., and points within 10 miles thereof, on the one hand, and, on the other, points within 125 miles of Williamstown, except Manchester and Nashua. William I. Sabin, Box 178, Williamstown, Mass., for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59-6092; Filed, July 23, 1959; 8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—JULY

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